

DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 21/05

Application Number	3/22/1613/OUT
Proposal	Full application for residential dwellings (Use class C3), together with associated car parking, plant, sub-station, landscaping, public realm and infrastructure works, Outline application (with all matters reserved) for residential dwellings (Use class C2 / C3), commercial floorspace (Use class E) and car parking facility, together with associated car parking, plant, landscaping, new public realm and infrastructure works. [For information: the full application is for 178 residential dwellings within buildings of up to 7 storeys. The outline application is for up to 245 residential dwellings (with no more than 173 C2 dwellings), up to 3,276sqm of commercial floorspace and a car parking facility of up to 565 parking spaces, all within buildings of up to 7 storeys]
Location	Goods Yard Station Road Bishops Stortford Hertfordshire CM23 3BL
Parish	Bishops Stortford
Ward	BICE - Bishops Stortford - Central

Date of Registration of Application	23 rd August 2022
Target Determination Date	31 st May 2025
Reason for Committee Report	Major Application
Case Officer	Nikki Dawney

RECOMMENDATION

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

1.0 Summary of Proposal and Main Issues

- 1.1 This is a hybrid (part full and part outline) planning application seeking planning permission for the comprehensive redevelopment of part of the former Bishop's Stortford Goods Yard.
- 1.2 The Council granted planning permission on the site in 2018 under reference 3/17/2588/OUT for the following development:

A hybrid planning application for the comprehensive redevelopment of the 5.82 ha Goods Yard site for mixed use purposes comprising - 586 residential units (Use Class C3); 3,004sqm of office floorspace (Use Class B1); 1,001sqm of retail floorspace (Use Class A1-A4); 491sqm of dual / alternative use retail and health care floorspace (Use Classes A1-A4 / D1); 85 bed hotel (Use Class C1); a care home comprising up to 55 units (Use Class C2); a new link road through the site connecting Station Road /Dane Street with London Road; two multi-storey station car parks (966 spaces); new cycle parking; car parking for the residential development; improvements to the Bishops Stortford transport interchange; new and altered access points from the adopted highway network; and associated landscaping and public realm works. The full application; Development up to 6 storeys in height providing 323 residential units (139 x 1bed units, 175 x 2bed units, 8 x 3bed units and 1x4 bed units use class C3), 3004 sq m of office space (use class B1), 1001 sq m of retail floorspace (use classes A1-A4), 491 sqm of dual / alternative use retail and health floorspace (Use classes A1- A4/D1), a 4 storey 85 bed hotel (use Class C1), a new link road through the site connecting Station Road/Dane Street with London Road, one 6 storey (401 space) multi storey station car park, new cycle parking, 153 car parking spaces for the residential development. The outline application (all matters reserved except for access) comprises: 263 residential units (Use Class C3); a care home comprising up to 55 units (Use Class C2); one multi-storey station car park; new cycle parking; car parking for the residential development; and associated landscaping and public realm works.

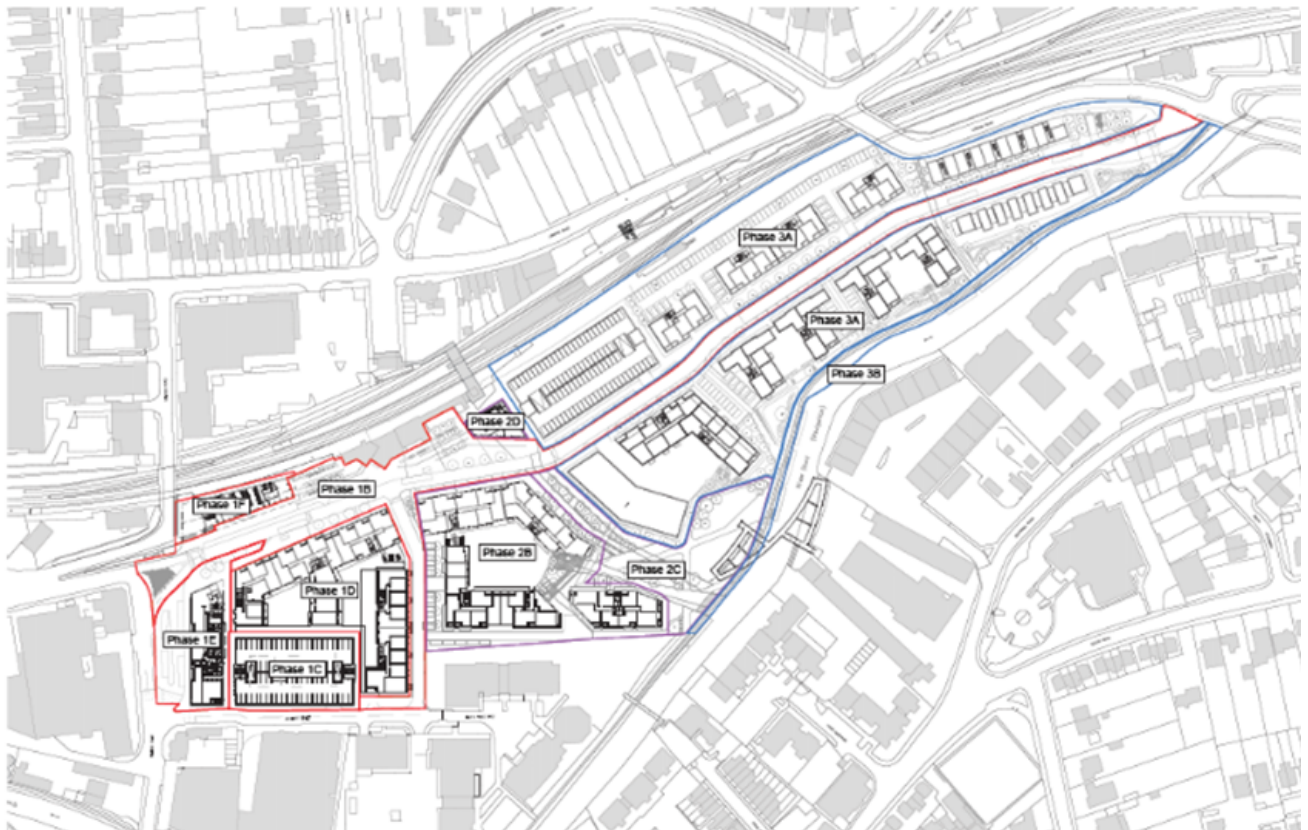


Figure 1 – Extant planning permission 3/17/2588/OUT

Phase 1 – MSCP and blocks A	Complete
Phase 2 – Blocks B	Complete
Spine Road – Sextons Road	Complete

1.3 The above permission has been implemented in part with the 6 storey flats at plot A built to the immediate north of Morton Peto Road, and the apartments constructed to the south of this at plot B which were completed last year. In total 323 dwellings are either occupied or capable of being occupied. Plot A has retail floorspace on the ground floor (some of which is now occupied by the Co Op, and plot B has approval for dual retail/healthcare floorspace on its ground floor. The link road (Sextons Road) between Station Road/Dane Street with London Road was built several years ago, (but is not yet open to through traffic), as was the multi storey car park at Anchor Street. Sextons Road as a through route will only be available in the future for sustainable modes of transport being buses, cyclists, and pedestrians.

1.4 As part of the previous approval on the site a landscaped area with play equipment will be provided adjacent to the footbridge over the river Stort in the next few months. The remaining full application part of the application ref: 3/17/2588/OUT, being the office floorspace, hotel and bus interchange have not commenced. Notwithstanding this, the relevant planning obligations and conditions remain in force. The bus interchange forms an element of the full part of hybrid planning consent reference 3/12/2588/OUT granted planning

permission in 2018. Condition 56 attached to this consent requires details to be submitted for the bus infrastructure provision in terms of location, design, and timing for the whole development and covers the bus interchange. The discharge of this condition should align with a legal agreement for the delivery date. While the 2018 planning permission could still be implemented, to ensure proper management of the revised layout and in the interest of highway safety and efficiency and to encourage the use of sustainable transport modes, the applicant has confirmed that *“Hertfordshire County Council and Network Rail have an agreement which commits to the bus interchange being delivered by December 2027. The formal agreement is currently out for signature”*. Notwithstanding this, the applicant has also confirmed that *“The bus interchange will be delivered through planning application ref. 3/24/1707/FUL”* (being a separate full application for a hotel to the north of plot A and the bus interchange is currently being considered by the Council).” The (hotel) application would facilitate development at the hotel site in a co-ordinated way to ensure the interchange will be delivered after the hotel has been constructed.

- 1.5 The application has been submitted in response to the decision of Network Rail to retain the sidings to the east of Sextons Road for operational reasons. As such the area of developable land has been reduced in size in this proposal when compared to the 2018 permission.

Figure 1 - Proposed site plan below, shows part of the site already implemented (phase 1, plot A & B) hatched in grey. The full application part of the site hatched in red and the outline application part of the site hatched in blue. The current application red line area excludes Plots A & B and their associated land, the Link Road (Sextons Road) and Morton Peto Road.

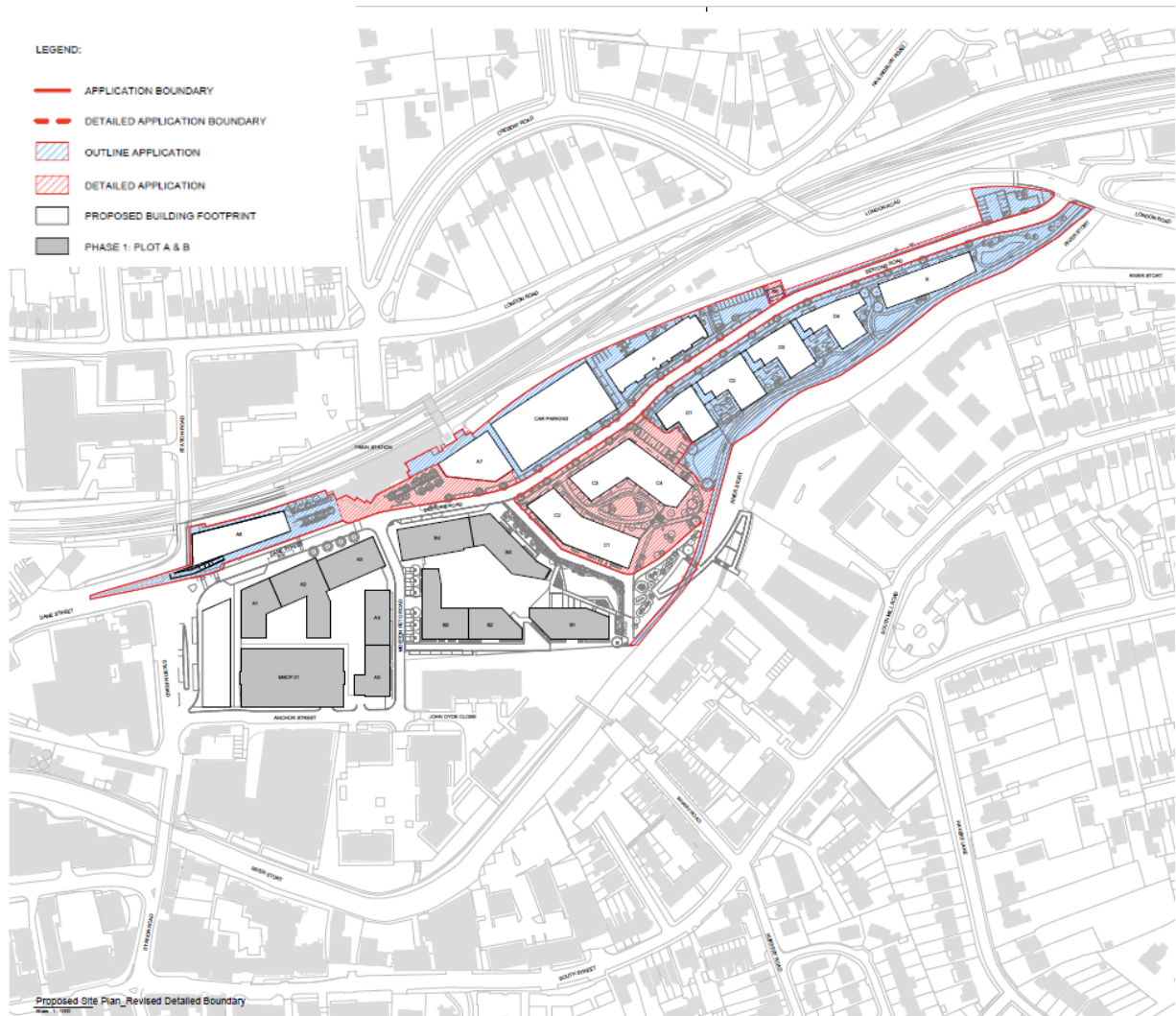


Fig.1 – Proposed Site Plan

1.6 There have been recent changes to the proposal which area outlined below:

The inclusion of the historic watercourse on the site within the new public open space along the river Stort (and resulting changes to the landscape design in this area);

- Moving the new Station Road / Sexton's Road ramp, Plot A6, part of the Station forecourt, and the new Station cycle parking from the full part of the application to the outline part of the application;
- Rotating the sub-station 90 degrees (and resulting changes to the landscape design in this area); and
- Amendments to the red line between the full and outline parts of the application to reflect the above amendments.

1.7 The full application part of the submission proposes 178 residential dwellings, together with associated car parking, plant, sub-station, landscaping, public realm and infrastructure works. The dwellings would be in buildings of up to 7 storeys within plot C, which would be located between the existing footbridge over the river Stort and Sextons Road. In detail, there would be 89 x

one bedroom, 84 x two bedroom, and 5 x three bedroom apartments. The station forecourt opposite from plot B is also within the full part of the application.

- 1.8 The majority of plot C is either 5 or 6 storeys, with a 7 storey area provided on its eastern side adjacent to Sextons Road. Between the two buildings within plot C would be a landscaped area.
- 1.9 The outline application as submitted originally was for up to 245 C3 dwellings, up to 270sqm of commercial floorspace and up to 565 multi-storey car parking spaces, all within buildings of up to 7 storeys. However, in recent months the description of the proposal has been amended to being an outline application (with all detailed matters reserved for up to 245 residential dwellings (with no more than 173 C2 dwellings). C2 dwellings are defined as a use for the provision of residential accommodation and care to people in need of care. Up to 3,276sqm of commercial floorspace and a car parking facility of up to 565 parking spaces are also now proposed in outline.
- 1.10 The main site area for the outline part of the application is to the south of plot C and runs along the river Stort down to London Road, across Sextons Road and to the north stopping just south of the station on its eastern side. The plans indicate the dwellings would be sited within two apartment buildings located adjacent to the river Stort and to the west of Sextons Road, and in one building to the east of Sextons Road next to the railway sidings. The car parking facility would be sited opposite from plot C, and to the south of the station building. Commercial floorspace would be in a standalone building at plot A7 which would be located between the car parking facility and the station. The land to the north of the station forecourt containing the existing cycle parking and ramp is also now within the outline part of the application and this would accommodate a new Class E office building (plot A 6) and replacement step free access from Station Road down to Dane Street.
- 1.11 The two apartment buildings adjacent to the river would be 4/5 storey, and the apartments to the east of Sextons Road would be 5/6 storey. The car parking facility would be up to seven storeys, and plot A7 would be 5/6 storeys. Plot A6 to the north would be 4/5 storey tall.
- 1.12 Given the planning policy context for the site, which is set out later in this report, and having regard to the existing planning permission, the principal of a residential led re-development of the land has been firmly established. Moreover, there are many similarities between the 2017 application and this application regarding the layout of the proposals, pedestrian movement, vehicular access and the overall approach to the development of the site. As such, the main determining issues for this application are as follows:

- Is there general compliance with the East Herts District Plan, Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and part of Thorley 1st Revision (the NP), the Town Centre Planning Framework and the Refined Goods Yard Master Plan;
- Amount of development and mix of uses.
- The layout, scale, density, landscaping and design of the development and its impact on the character of the area.
- Highways impacts, safety and connectivity.
- Car and cycle parking.
- Flood Mitigation & Drainage including the re-provision of the existing Ordinary Watercourse within the development.
- Enhancement of the river Stort and its biodiversity.
- Affordable Housing, and contributions to local infrastructure, having regard to the viability of the proposal.
- The impact on the occupiers of existing dwellings adjacent to the site.
- The standard of amenities for future occupiers of the development including issues relating to noise and air quality
- Housing mix
- Other issues

2.0 Site Description

- 2.1 The application site wraps around the western side of Bishops Stortford station and measures some 2.62 hectares in area. The station and northern part of the site lie within the town centre as defined by the District Plan. The land is mainly used as car parking for commuters, with other public open space included within the site area. The land is 'previously developed' as defined by the National Planning Policy Framework (NPPF) (2024).
- 2.2 The site was used formerly as a freight interchange at Bishop's Stortford railway station. It is owned by Network Rail who operate the railway assets in the vicinity of the site. The surface station car parks currently on the site are operated through lease arrangements between Network Rail and the train operating company Greater Anglia.
- 2.3 By the part implementation of planning approval ref: 3/17/2588/OUT and the construction of the flats at plots A & B, the land surrounding the station is gradually becoming predominately residential in use/character, with some commercial uses on the ground floor of these plots. Further commercial development will be located at plots A6 & A7 within the site.

- 2.4 The land is generally level and lies to the east of the river Stort and its towpath. The existing footbridge over the river gives pedestrian access to South Mill Road and beyond from the station. The eastern boundary of the application site adjoins the existing sidings, station, and the London to Cambridge railway line. To the north of the proposed plot C is plot B which is now complete. The southwestern end of the application site is overgrown scrub land and contains an Ordinary Watercourse providing surface water drainage to the site and wider area. It has an outfall into the river Stort.

3.0 Relevant Planning History

The following planning history is of relevance to this proposal:-

Application Number	Proposal	Decision	Date
3/17/2588/OUT	Hybrid planning application for the comprehensive redevelopment of the 5.82 ha Goods Yard site for mixed use purposes comprising - 586 residential units (Use Class C3); 3,004sqm of office floorspace (Use Class B1); 1,001sqm of retail floorspace (Use Class A1-A4); 491sqm of dual / alternative use retail and health care floorspace (Use Classes A1-A4 / D1); 85 bed hotel (Use Class C1); a care home comprising up to 55 units (Use Class C2); a new link road through the site connecting Station Road /Dane Street with London Road; two multi-storey station car parks (966 spaces); new cycle parking; car parking for the residential development; improvements to the Bishops Stortford transport interchange; new and altered access points from the adopted highway network; and associated landscaping and public realm works. The full application; Development up to 6 storeys in height providing 323 residential units (139 x 1bed units, 175 x	Approved subject to S.106 Planning Obligation	18.7.18

	<p>2bed units, 8 x 3bed units and 1x4 bed units use class C3), 3004 sq m of office space (use class B1), 1001 sq m of retail floorspace (use classes A1-A4), 491 sqm of dual / alternative use retail and health floorspace (Use classes A1-A4/D1), a 4 storey 85 bed hotel (use Class C1), a new link road through the site connecting Station Road/Dane Street with London Road, one 6 storey (401 space) multi storey station car park, new cycle parking, 153 car parking spaces for the residential development. The outline application (all matters reserved except for access) comprises: 263 residential units (Use Class C3); a care home comprising up to 55 units (Use Class C2); one multi-storey station car park; new cycle parking; car parking for the residential development; and associated landscaping and public realm works.</p>		
3/16/0530/OUT	<p>A hybrid planning application for the comprehensive redevelopment of the 5.82 ha Goods Yard site for mixed use purposes comprising: up to 680 residential units (Use Class C3), 938 sqm of retail floorspace (Use Class A1 / A3), 3,045 sqm of hotel floorspace (Use Class C1), two multi-storey car parks, car parking spaces for the residential development; and, associated highways and landscaping works. All as amended by plans and documents received on 22 September 2016 and 31 March 2017. The full</p>	Refused Appeal Withdrawn	17.05.17

	<p>application for Phase 1 (1.62ha) comprises: 122 residential units (Use Class C3), 938 sqm of retail floorspace (Use Class A1 / A3), 3,045 sqm of hotel floorspace (80 bedrooms and a restaurant) (Class C1); and a multi-storey car park (477 spaces) All in buildings of between four and six storeys in height; and a re-configured transport interchange (including bus stops, taxi rank and drop-off), provision of a new public square, cycle parking facilities, surface car parking, service yard, vehicular and pedestrian access arrangements from Anchor Street, Station Road and London Road; and associated landscaping, plant and servicing. The outline planning application for Phases 2-4 (4.2ha including 2.02ha at the southern end of the Goods Yard currently in operational use) comprises: up to 558 residential units (Use Class C3); and a multi-storey car park (489 spaces). All in buildings of between three and seven storeys in height; provision of open space, new vehicular and pedestrian access arrangements, cycle parking facilities, surface car parking; and associated landscaping, plant and servicing.</p>		
3/16/0707/FUL	Construction of temporary surface level car park	Approved	15.09.17
3/13/0270/FP	Use of the former Goods yard as a temporary car park	Approved	18.04.13
3/02/2091/OP	Outline application for a new link road connecting Station Road and Dane Street with London Road;	Withdrawn	20.10.13

	public transport interchange (including facilities for buses, taxis and short stay parking); station facilities; multistorey car park; up to 402 residential units; food store; shop units (classes A1 – A3); 60 bedroom hotel; public parking up to 372 spaces; ancillary facilities and landscaping		
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4.0 **Main Policy Issues**

- 4.1 The main policy issues relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts District Plan 2018 (DP), the adopted Bishops Stortford Town Council Neighbourhood Plan for All Saints, Central, South and part of Thorley 1st Revision Neighbourhood Plan (NP).

Main Issue	NPPF (para.)	East Herts District Plan 2018	Bishops Stortford Town Council Neighbourhood Plan for All Saints, Central, South and part of Thorley 1st Revision
Is there general compliance with the East Herts District Plan, Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and part of Thorley 1 st Revision (the NP), the Town Centre Planning Framework and the Town Centre Planning Framework and the Refined Goods Yard Master Plan;	7 – 14,48, 61,121, 122	DEL1 BISH1 BISH2 BISH7 BISH11 BISH12	HDP1 GY1 GY2 GY3 GY4 GY5 GY6
Amount of development and mix of uses	72,77 85,86, 90,124, 125, 129	DPS1 BISH7 BISH11 BISH12	GY2

The layout, scale, density, landscaping and design of the development and its impact on the character of the area;	131, 132, 135-141	BISH7 BISH12 DES3 DES4 CFLR9 HA1 HA2 HA4 HA5	GY1 GIP3 HDP2 HDP3
Highway safety and connectivity;	109-111, 115-118	BISH2 BISH7 TRA1 TRA2	GY3 GY4 GY6 TP1 TP2 TP3 TP4 TP5 TP11 TP12
Car and cycle parking;	112, 113	TRA3	GY5 TP7 TP8
Flood Mitigation;	161, 163, 164, 170, 171, 172, 173, 175, 177-182	WAT1, WAT3	GY1 GIP8
Enhancement of the river Stort and its biodiversity;	187, 192, 180	BISH7 CLRF9 NE2 NE3	GY1 GIP1 GIP5 GIP6
Affordable Housing, and contributions to local infrastructure, having regard to the viability of the proposal;	61, 63, 64, 66, 71	BISH7 DPS4 DEL1 DEL2 CFLR7 CFLR10	HDP4 CI SLCP1 SLCP2 SLCP4
The impact on the occupiers of existing dwellings adjacent to the site;	135	DES4	HDP1
The standard of amenities for future occupiers of the	135, 191 - 192	DES4 EQ2 EQ4	HDP1

development including issues relating to noise and air quality			
Housing mix	130,	BISH7 HOU1	HDP4

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

4.2 Equality Act

Section 149 of the Equality Act (2010) confirms that a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. The policies and guidance referenced in the committee report and this updated report have all been subject to an equalities impact assessment (EqIA) therefore, the planning policy framework is considered to meet the first stage in the process. Officers have duly considered the equalities impacts on protected groups in the context of the development proposals, subject to this planning application which is set out in Section 10 of this report.

4.3 The following supporting documents and plans have been submitted. All of which have been considered in the preparation of this report;

Drawing Title	Drawing Number	Revision	Drawing Status
Site Plan	BSGY-PTE-ZZ-XX-DR-A-10001	P05	For Approval
Development Plot and Block Parameter Plan	BSGY-PTE-ZZ-XX-DR-A-10002	P05	For Approval
Movement and Access Parameter Plan	BSGY-PTE-ZZ-XX-DR-A-10003	P05	For Approval
Land Uses - Ground Floor Parameter Plan	BSGY-PTE-ZZ-XX-DR-A-10004	P05	For Approval
Land Uses - Typical Floor Parameter Plan	BSGY-PTE-ZZ-XX-DR-A-10005	P05	For Approval
Illustrative Plan - Ground Floor Plan	BSGY-PTE-ZZ-00-DR-A-10000	P05	For Illustration
Illustrative Plan - First Floor Plan	BSGY-PTE-ZZ-01-DR-A-10000	P05	For Illustration
Illustrative Plan - Second Floor Plan	BSGY-PTE-ZZ-02-DR-A-10000	P05	For Illustration

Illustrative Plan - Third Floor Plan	BSGY-PTE-ZZ-03-DR-A-10000	P05	For Illustration
Illustrative Plan - Fourth Floor Plan	BSGY-PTE-ZZ-04-DR-A-10000	P05	For Illustration
Illustrative Plan - Fifth Floor Plan	BSGY-PTE-ZZ-05-DR-A-10000	P05	For Illustration
Illustrative Plan - Sixth Floor Plan	BSGY-PTE-ZZ-06-DR-A-10006	P05	For Illustration
Landscape Parameter Plan	BSGY-PTE-ZZ-XX-DR-A-10009	P06	For Approval
Character Area Parameter Plan	BSGY-PTE-ZZ-XX-DR-A-10010	P05	For Approval
Building Height Parameter Plan	BSGY-PTE-ZZ-XX-DR-A-10012	P05	For Approval
Proposed Site Plan	BSGY-PTE-ZZ-XX-DR-A-10020	P03	For Approval
Application Location Plan	BSGY-PTE-ZZ-XX-DR-A-10000	P05	For Approval
Block C - GA - Proposed Level 0 Floor Plan	BSGY-PTE-C-00-DR-A-10100	P02	For Approval
Block C - GA - Proposed Level 1 Floor Plan	BSGY-PTE-C-01-DR-A-10101	C01	For Approval
Block C - GA - Proposed Level 2 Floor Plan	BSGY-PTE-C-02-DR-A-10102	C01	For Approval
Block C - GA - Proposed Level 3 Floor Plan	BSGY-PTE-C-03-DR-A-10103	C01	For Approval
Block C - GA - Proposed Level 4 Floor Plan	BSGY-PTE-C-04-DR-A-10104	C01	For Approval
Block C - GA - Proposed Level 5 Floor Plan	BSGY-PTE-C-05-DR-A-10105	C01	For Approval
Block C - GA - Proposed Level 6 Floor Plan	BSGY-PTE-C-06-DR-A-10106	C01	For Approval
Block C - GA - Proposed Roof Plan	BSGY-PTE-C-07-DR-A-10107	C01	For Approval
Block C - GA - Proposed Lower Ground Floor Plan	BSGY-PTE-C-99-DR-A-10099	P02	For Approval

Block C1 & C2 - GA - Proposed Ground Floor Plan	BSGY-PTE-C-00-DR-A-10120	C01	For Approval
Block C1 & C2 - GA - Proposed Level 1 Floor Plan	BSGY-PTE-C-01-DR-A-10121	C01	For Approval
Block C1 & C2 - GA - Proposed Level 2 Floor Plan	BSGY-PTE-C-02-DR-A-10122	C01	For Approval
Block C1 & C2 - GA - Proposed Level 3 Floor Plan	BSGY-PTE-C-03-DR-A-10123	C01	For Approval
Block C1 & C2 - GA - Proposed Level 4 Floor Plan	BSGY-PTE-C-04-DR-A-10124	C01	For Approval
Block C1 & C2 - GA - Proposed Level 5 Floor Plan	BSGY-PTE-C-05-DR-A-10125	C01	For Approval
Block C1 & C2 - GA - Proposed Level 6 Floor Plan	BSGY-PTE-C-06-DR-A-10126	C01	For Approval
Block C1 & C2 - GA - Proposed Roof Plan	BSGY-PTE-C-07-DR-A-10127	C01	For Approval
Block C3 & C4 - GA - Proposed Ground Floor Plan	BSGY-PTE-C-00-DR-A-10130	P02	For Approval
Block C3 & C4 - GA - Proposed Level 1 Floor Plan	BSGY-PTE-C-01-DR-A-10131	C01	For Approval
Block C3 & C4 - GA - Proposed Level 2 Floor Plan	BSGY-PTE-C-02-DR-A-10132	C01	For Approval
Block C3 & C4 - GA - Proposed Level 3 Floor Plan	BSGY-PTE-C-03-DR-A-10133	C01	For Approval
Block C3 & C4 - GA - Proposed Level 4 Floor Plan	BSGY-PTE-C-04-DR-A-10134	C01	For Approval
Block C3 & C4 - GA - Proposed Level 5 Floor Plan	BSGY-PTE-C-05-DR-A-10135	C01	For Approval
Block C3 & C4 - GA - Proposed Level 6 Floor Plan	BSGY-PTE-C-06-DR-A-10136	C01	For Approval

Block C3 & C4 - GA - Proposed Roof Plan	BSGY-PTE-C-07-DR-A-10137	C01	For Approval
Block C Sections	BSGY-PTE-C-XX-DR-A-10200	C01	For Approval
Block C Elevations 01	BSGY-PTE-C-XX-DR-A-10300	C01	For Approval
Block C Elevations 02	BSGY-PTE-C-XX-DR-A-10301	C01	For Approval
Block C - Accessible Units	BSGY-PTE-C-ZZ-DR-A-10800	C01	For Approval
Station Square Masterplan Sheet 1 of 6	BS(90)LP-100	P12	For Approval
Station Square General Arrangement Sheet 2 of 6	BS(90)LP-101	P09	For Approval
Block C-D General Arrangement Sheet 3 of 6	BS(90)LP-102	P11	For Approval
Block E General Arrangement Sheet 4 of 6	BS(90)LP-103	P06	For Approval
Southern Entrance General Arrangement Sheet 5 of 6	BS(90)LP-104	P07	For Approval
Block C-D General Arrangement Sheet 6 of 6	BS(90)LP-105	P05	For Approval
Landscape and Public Realm Design and Access Statement	BDP(90)RPT001	R02	For Approval

- Planning Statement - July 2022;
- Planning Statement Addendum – October 2024;
- Design & Access Statement - October 2024
- Landscape and Public Realm Design and Access Statement (BDP(90)RPT001 R02) - October 2024
- Townscape & Visual Impact Appraisal – June 2022;
- Heritage Impact Assessment – June 2022
- Noise and Vibration Assessment Report – June 2022;
- Transport Assessment – August 2022;
- Transport Briefing Note - Change of Planning Description – April 2024;
- Air Quality Assessment – June 2022;
- Daylight and Sunlight Report – July 2022;
- Energy Statement – June 2022;

- Sustainability Statement – June 2022;
- Whole Life Carbon Assessment – June 2022;
- Circular Economy Statement – June 2022;
- Overheating Statement – June 2022;
- BREEAM Pre-assessment Summary Report - June 2022;
- Ecological Appraisal - June 2022;
- Comment on Revised Red Line Boundary - Ecology Assessment - April 2024
- Arboricultural Impact Assessment - June 2022;
- Archaeological desk-based assessment - June 2022;
- Comment on Revised Red Line Boundary - Archaeological desk-based assessment - April 2024;
- Geotechnical and Geo-environmental Interpretative Report – February 2016;
- Financial Viability Assessment - June 2022;
- Statement of Community Involvement - June 2022;
- Fire Strategy Statement - Blocks C & A6 - August 2022;
- Water Framework Directive Assessment – October 2024;
- SuDS Report – February 2025;
- Flood Risk Assessment – February 2025;

5.0 Summary of Consultee Responses

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

5.1 HCC Highway Authority

Does not wish to restrict the grant of planning permission subject to conditions, informatives and S.106 Planning Obligations. Since the Highway Authority issued a Statutory Consultee response dated 10/10/2022 that raised an objection due to the omission of a Transport Assessment (TA) and Travel Plan, the applicant has since submitted a TA. The Highway Authority found a number of insufficient details and designs were submitted as part of this TA and raised these issues in emails and meetings. The applicant has since submitted amended plans and documents to resolve these issues.

The Highway Authority has reviewed the application and does not wish to raise an objection. The recommended planning conditions and S106 obligations and contributions are fundamental to encourage active travel and public transport trips and therefore are also fundamental to the acceptance of the highway impacts found in the Transport Assessment.

It must be noted that the improvements secured under 3/17/2588/OUT such as the bus station interchange remain fundamental to the acceptance and mitigation of the highway impacts assessed under the consented application and this application.

As this redevelopment site had the potential to be one of the most sustainable in Hertfordshire, providing one of the most important transport hubs in east Hertfordshire, it is important that comprehensive travel planning, monitoring and feedback is provided for.

5.2 Lead Local Flood Authority (Advice Provided by WSP plc)

Have no objection subject to conditions. Since the LLFA issued a Statutory Consultee response dated 24/07/2024 that raised objection the applicant has provided a Flood Risk Assessment (FRA) and a Drainage Strategy including outline design, outline surface water design and detailed surface water modelling to account for the realigned watercourse. These are to account for the local flood risk issues and surface water drainage at this location. Following a review of the submitted documents, the details are in accordance with NPPF and local planning policy subject to the inclusion of conditions.

The LLFA has reviewed the application and does not wish to raise an objection. The recommended planning conditions have been drafted 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.

5.3 Environment Agency

No objections subject to the inclusion of 8 conditions and associated informatives.

The activities proposed as part of this development could have an unacceptable effect on the ecological value of the river Stort. The proposed development will only be acceptable if planning conditions requiring a landscape and ecological management plan are included.

The previous use of the site poses a high risk of contamination that could be mobilised during construction to pollute controlled waters. The documents submitted demonstrate that it will be possible to manage the risk posed to controlled waters by this development.

We recommend that the proposed development is used as an opportunity to restore more natural processes to the watercourse. This would be by ensuring that the ordinary watercourse is re-aligned to as close to natural conditions as possible, and minimize the mobilization of sediment, which could propose a risk of deterioration to the ordinary watercourse and subsequently have impacts onto the river Stort. Additionally, this would offer significant environmental gain. We suggest that their Water Framework Directive is updated and should consider the impacts of the construction and operational works to the ordinary

watercourse, as well as the river Stort waterbody and the Upper Lee Chalk ground waterbody.

5.4 Thames Water

In terms of foul water sewerage network capacity, and surface water drainage, Thames Water have no objections subject to conditions being imposed.

Affinity Water

The proposed development site is located near an Environment Agency defined groundwater Source Protection Zone 1. This is a public water supply comprising a number of Chalk abstraction boreholes, operated by Affinity Water. Provided the suggested conditions are implemented and it has been demonstrated that public water supply will not be impacted, we would have no objections to the development.

5.5 EHDC Housing Development Advisor

In accordance with District Plan Policy HOU3 approved October 2018 the scheme should deliver 40% affordable housing. This is a strategic site that is expected to play a significant role in meeting the need for affordable housing in the district. According to Paragraph 14.4.6 of the District Plan, the percentage of affordable housing provision that the Council will expect to secure from development schemes has been informed by development viability assessments.

However, in their Planning Statement the applicant says that they have submitted a Financial Viability Assessment which concludes that the scheme currently results in a large deficit and cannot support any affordable housing. In these circumstances, I am of the view that the submitted viability assessment should be independently tested.

5.6 EHDC Conservation and Urban Design Advisor

Having assessed the information provided in this planning application, it is considered that the revised designs broadly remain in keeping with the character of the previously approved wider scheme. It is considered that the development as set out in this application has the potential to deliver a high-quality development on this key location. Subject to detailed design and good implementation it can meet the aspirations set out in the District Plan Policy BISH7. The architectural approach taken provides interest and a sense of occasion in this key part of Bishop's Stortford and is considered acceptable. It is not considered that this application would harm the setting of nearby Listed Buildings or of the Bishop's Stortford Conservation Area. We therefore recommend that this application should be granted permission provided the following is addressed under Reserved Matters or suitably worded conditions:

To be resolved at Reserved Matters stage:

1. The proximity of Plot F to the existing sidings is a concern especially for the southern section of this Plot. The southernmost apartments on ground and first floors and the gallery at the southern end are very closely arranged with the track and the retained siding and creates a very constrained setting for the apartment. It is recommended that the southernmost apartments on ground floor and first floor may be omitted, which would then allow for more space for boundary vegetation along the siding.
2. Landscaped treatment to the eastern side of the spine road (front of Plots E and D4) is not clear on the plans. The Landscape and Public Realm Design and Access Statement indicates the use of a timber fence along this section of the boundary with gravel and wildflower planting in front, however additional greening in the form of hedge or tall shrubs is preferred to ensure a more permanent softened edge when viewed from the apartments to the west. The document states that "Planting choice along the railway edge is restricted to species advised in the National Rail Tree Planting Species Matrix 2015". However, there are other sections along this boundary where additional planting is integrated. It is not clear if the list allows for some shrub/hedge planting that may be suitable on this location. Further advice at RM stage may be sought from the Council's landscape officer.

5.7 EHDC Landscape Advisor

Supports subject to the imposition of conditions. The proposals offer a cohesive network of waterfront and public spaces that establish a robust green infrastructure framework that will help mitigate impacts on landscape character and visual amenity.

5.8 Herts Ecology

Hertfordshire Ecology has no further comment to make relating to the pollution risk at this stage. The Outline water vole mitigation strategy should be secured by Condition. Biodiversity enhancements have been suitably updated and should be secured through a LEMP by Condition. The submitted metrics have demonstrated that the development can deliver a biodiversity net gain. Updated metrics will need to be submitted at the appropriate reserved matters stages.

5.9 Natural England

No objection - subject to appropriate mitigation being secured towards Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR).

Natural England advises that permission should not be granted until such time as the following mitigation measure has been secured through planning condition:

- Financial contribution towards Strategic Access Management and Monitoring (SAMM) measures identified by the National Trust as landowners of £150 per new residential dwelling; AND
- a signposted circular dog walking route of around 2.3-2.5 km from the new development, which could potentially make use of pedestrian links (PRoW and highways) in the local area.

5.10 HCC Minerals and Waste

Makes detailed comments and requests Site Waste Management Plan.

5.11 EHDC Environmental Health Advisor

Noise & Nuisance

The information submitted with the application now takes into account the railway sidings as a separate noise source. This assessment shows that the sidings will increase the noise levels predicted at the façade of the nearest noise sensitive properties and that additional sound insulation included in the building envelope will assist mitigation. On that basis conditions are recommended which must include an overall façade sound insulation (i.e walls, glazing and vent openings) of at least 35dB(A) for living rooms/bedrooms facing the sidings to protect from potential noise at the sidings to be attached to any approval given.

Air Quality

No objection subject to the imposition of a condition.

5.12 Herts Fire and Rescue

This will require a condition for the provision and installation of fire hydrants at no cost to the County Council. This is to ensure there is adequate water supplies available for use in the event of an emergency. Makes detailed comments regarding the need to comply with The Building Regulations 2010 Approved Document B.

5.13 HCC Growth & Infrastructure Team

Planning obligations should secure contributions towards education, library, youth and fire & rescue services to minimise the impact of development on Hertfordshire County Council Services for the local community.

5.14 HCC Historic Environment Advisor

No objections subject to a condition securing a written scheme of investigation.

5.15 Cadent Gas

No Objection in principle, request informative added to any approval.

5.16 Health & Safety Executive

In terms of block C and block A6 the fire statement states that the adopted fire safety design standards are British Standards 9991 and 9999. HSE has assessed the application accordingly.

Following a review of the information provided in relation to the detailed element of the application, HSE is content with the fire safety design to the extent it affects land use planning.

There is currently insufficient fire safety information available in relation to the outline element of the application for the HSE to make sufficient assessment. Should the LPA be minded to grant outline planning approval a condition requiring the submission of a satisfactory fire statement with any reserved matters application, and HSE are consulted in conjunction with the LPAs consideration of the application.

5.17 EHDC Waste & Recycling

Makes detailed comments regarding pull distances and bin storage areas.

5.18 Canal & River Trust

The main issues relevant to the Trust as statutory consultee on this application are:

- a) The impact of the towpath and canal side improvements.
- b) The impact on the water quality of the river Stort due to the drainage proposals.
- c) The impact on the character and appearance of the waterway corridor.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded conditions and a legal agreement are necessary to address these matters.

The amendments include the realignment of a historic watercourse within the new public space alongside the Stort Navigation and subsequent changes to the landscape design in this area. We raised concerns with regards to the impacts these changes would have on the separation which would result between the new housing and the existing towpath. In addition, we advised that the impacts of the attenuation ponds and associated works, such as the creation of bunds, on the structural integrity of the towpath and waterway infrastructure will also need to be considered.

The Trust also raise concerns on the separation between the housing proposed and the towpath, wayfinding in terms of signage and design language will be an important factor in mitigating this. Proposed planting will need to be reviewed,

and the integrity of the towpath and waterway infrastructure will need to be secured via reserved matters conditions or conditions. Any applications to discharge water into the river requires Discharge Consent and will be considered on an individual basis. A condition governing a risk assessment and method statement for any works adjacent to the river should be imposed on any approval granted.

5.19 EHDC Sustainability Officer

No objections.

5.20 All of the consultation responses received have been considered in the preparation of this report.

6.0 Town/Parish Council Representations

6.1 Bishops Stortford Town Council – The Committee object to this application on the following grounds: - It contravenes GY1, paragraph 5, of the Bishop's Stortford Neighbourhood Plan that states that buildings should be lower than seven storeys and that there should be a downward gradation of building height towards the river/towpath to avoid canyoning of the riverbank within the site and to maximise sunlight at ground level. - The number of dwellings has increased substantially, and the increase of storeys is excessive. - The height of the buildings will reduce the light falling on the river and will adversely affect biodiversity as there are many bats and water voles in the area. - The ramp between Station Road East and the Station has not been sufficiently addressed and contravenes GY1, paragraph 9a, of the Bishop's Stortford Neighbourhood Plan. - Changing the dwellings from class C3 to C2 is detrimental to affordable housing being built or receiving a payment in lieu. - There is insufficient parking with access from the south, this would help to avoid additional traffic from the one-way system. - A proper traffic model should be assessed. - There needs to be a clear purpose and design for a better access pathway from the Millenium Bridge to the Train Station without going past parked cars. This pathway should be maintained throughout the development and after.

6.2 The comments received from Bishop Stortford Town Council have been considered in the preparation of this report.

7.0 Summary of Other Representations

7.1 30 responses have been received objecting to the proposals on the following grounds:

- Existing MSCPs are under used, pointless to erect a monstrosity which will be equally under used.
- The Neighbourhood Plan encourages cycling and walking over car use.

- The level of affordable housing needs to be looked at, no point in 40% target if it's not being achieved.
- Height of 7 storeys is deeply inappropriate, it will overshadow and steal light from nearby dwellings, contrary to Neighbourhood Plan
- Development does not demonstrate an understanding of the history and context of the area.
- Link road through Goods Yard site should be open to all traffic not just busses and taxis.
- It's essential that public open space is not valued engineered at a later date.
- Overdevelopment of the site
- Questions whether the developers have submitted their application for scrutiny via a Design Review Panel
- Should be refused, contrary to design policies in the East Herts District Plan
- Development will put pressure on the town's infrastructure.
- Lack of respect for our community is staggering, the area approaching the station resembles a high-rise urban city neighbourhood, must ask how the proposal respects local planning policy for appropriate and good architecture.
- Separate cycle, pedestrians and cars
- Cycle parking being lost and moved further away from the station.
- Existing lack of Doctors and Dentists in the town, new hospital cannot cope.
- Existing development has resulted in traffic gridlock.
- Noise and fumes from the Network Rail maintenance area will result in noise and fumes, impacting on the health of local residents.
- Can the developer be required to clean and repaint the Millennium Bridge.
- Proposed ramp does not provide clear and direct pedestrian and cycle route between Station Square and Station Road east and requires people to double back to go on their way. The ramp is such a clunky, engineered, pedestrian unfriendly design for a very important walking and cycling link to Hockerill and the east of Stortford.
- Steps to town should not be replaced.
- Office building A6 form is confusing to the eye, and its materials unrelated to its locale or the new building opposite, and therefore and visually hostile, the form and materials of this ugly building should be thoroughly revised to create a building which has some reference to its Bishop's Stortford location.
- Outline application should not be permitted until there is an approved design and delivery for a new bus interchange.
- Ensure car club works, incentives to join, built-in longevity.
- Multi-storey car park is too high.

7.2 66 responses have been received supporting the proposals on the following grounds:

- Hoped to buy a home by the age of 30 but cannot see this happening any time soon as houses are unaffordable for first time buyers.

- Because it's not Green Belt and it will help the housing crisis
- Great opportunity for young people to get onto the property ladder.
- Would allow people to get onto the housing ladder, good to build more homes to give choice in different areas.
- I have three children, it's important to consider their future.
- Need more homes, especially if they are affordable.
- Due to population growth everyone needs somewhere to live. I hate seeing homeless people, everyone deserves a warm place to go.
- Supports if homes are built in the right areas for the right reasons.
- Impressed with new development in Bishops Stortford, near to the station for easy commuting.
- Supports town centre regeneration.
- So much overcrowding and homeless people
- This will take the pressure off surrounding towns.
- Town centre development will reduce private transport and encourage more business in the town.
- Will help people get on to the property ladder.

7.3 7 General Comments Neither Objecting or Supporting:

- Walkers on the towpath should not have to suffer the nuisance of cyclists using the route. Cyclists have been banned from the towpath in Hertford and use an alternative route. The same should happen in Bishops Stortford
- Supports the comments made by the Herts and Middlesex Wildlife Trust and North East Herts Swift Group. Swift and House Martin colony at Millar's Maltings vulnerable to disturbance and local extinction. Real opportunity for built-in next boxes to boost the local breeding populations.
- Development an opportunity to improve biodiversity and protect River Stort as an important wildlife corridor, particularly for Otters and Water Voles.

7.4 Other Comments

Cllr Chris Wilson - The application as it currently stands is not acceptable in my view for a number of reasons. Firstly, it does not accord with Policy DES4 of the District Plan in a number of respects.

The principle of legibility is not adhered to with regards to the proposed new step-free route from London Road/Station Road to the station forecourt area. This is the only route disabled passengers have to the station from the East of the town as there is no step-free access to the rear of the station.

Despite this, the proposal is to make wheelchair users take a longer route than they presently do to the station and there is no legibility in terms of an obvious visual route to the station for any pedestrian or wheelchair user - they have to go away from the station to go towards it. Whilst access to the town centre is also important the train station is a vital public service and the route there should be clear, as quick and convenient as possible and prioritised.

With respect to the new Plot that is proposed to be residential and flush to the train line used to conduct maintenance activities by Network Rail, I have grave concerns with respect to the level of noise and air pollution future residents would be subject to. Network Rail conducts maintenance activities all year round, at various intervals, on those tracks and the use of a diesel generator persists, causing noise and pollution at night. Residents in Crescent Road and Great Eastern Close, much further from this location than the proposed Plot, still complain of lost sleep and unpleasant odours in the air at night, this may breach policy EQ2 in the District Plan for future residents.

I am also not satisfied with the arguments that are made to justify the height of the residential Plots. Whilst there are some buildings that reach similar heights this does not mean that a traditional market town like Bishop's Stortford should be subjected to the vista of several seven storey Plots, which would change the visual character of the town as a whole and blot views across the area. I believe that this is an optimum location for a development, but that the application needs further work to achieve the potential of the site and be acceptable to the residents of Bishop's Stortford, both present and future.

Cllr Mione Goldspink - I have 5 reasons to object :-

1st) There is no clear proposal for Step-Free access to the Station from the eastern side of the Town. Now that the northern part of the site has been extended slightly so that it includes the pedestrian steps down to the lower part of station road and the ramp on which these steps are built, it should be possible for a sloping path to be built going over the railway bridge and then turning left just beyond the proposed new office Plot. This new path could go directly down to the Station Forecourt. please consider this idea.

2nd) There is a massive increase in the number of dwellings which is now proposed, in spite of the size of the site being reduced. The only way to accommodate these extra dwellings (over 100 extra) is by increasing the height of all many of the Plots, up to 7-Storey in height. This is completely unacceptable.

3rd) Some buildings are proposed to be very close to the railway sidings where noise and fumes from the railway's diesel generators will be a health and environmental risk.

4th) There is no proper Travel/transport interchange proposed.

5th) The traffic assessment for the extra traffic exiting the site onto Station Road takes no account of the extra number of dwellings which are now proposed.

In conclusion, there are a great many reasons why planning permission should be refused, unless and until all these problems have been resolved. I object most strongly to the Application.

Former Cllr George Cutting - I am most concerned about this deviation from the original application granted. The reasons quoted by the developer are in my view not acceptable for now seeking to add a seventh story.

Bishops Stortford Civic Federation – Objects. Site reduced in size and nearly 25% increase in dwellings compared to District Plan allocation, and 16% increase compared to existing planning approval. Further Plots of 6 or 7 storeys inappropriate for the site. Viability statement should be subject to critical scrutiny. Dwellings numbers should be reduced below 318 already granted permission.

Transport Assessment (TA) concludes there will be only 24 additional residential movements in the morning peak and 23 in the evening peak, this should be treated with scepticism. The TA uses updated figures from 2017 traffic data and states this is a worst-case scenario with no evidence to support this. No account taken of other major developments in the area. The TA is not fit for purpose and should be withdrawn. The Old River Lane TA finds that many of the junctions between Rye Street/Northgate End and Hockerill will be at or near capacity by 2026, even without that development. This contrasts with the Goods Yard TA documents and BSCF is yet to understand how two such assessments can arrive at different conclusions.

Two statements made about traffic flows while factually accurate are misleading. In the pm peak traffic leaving the station approach into Station Road is already more than in 2015 despite little of the consented development having yet been occupied. In London Road, average and maximum flows are higher than in 2015 in the am Northbound peak and in the pm Southbound peak. Combining flows to suit the preferred answer does not give an accurate picture of congestion.

Concerns are raised regarding the choice of observation points, which ignores analysis of tailbacks. The applicant's consultant has failed to model the gridlock across much of the road network that other planned developments such as Bishops Stortford North & South are likely to create.

As a new application it should be supported by a full new transport assessment.

50 of the 66 expressions of support have come from outside of the Bishops Stortford area.

A smaller car park may be acceptable given reduction in commuting. Permission should not be granted until clear plan and timescale for an enhanced passenger interchange.

In terms of the station ramp, with a major development such as this, it would be reasonable to expect an enhanced standard of accessibility to be provided. Regrettably this does not seem to be the case. Whilst the proposed new ramp has landings, it is less than half the length of the existing ramp and of the recommended maximum for such a facility. We hope this can be looked at again. Application should be refused.

Bishops Stortford Climate Group – The recent revisions to this application do not appear to present a revised biodiversity assessment. Our comments submitted previously therefore still appear appropriate. We do not believe that the scheme provides any biodiversity net gain, and actually would have a net loss. This is largely because the existing aquatic habitat has been under-valued, and because the scope for gain from street trees has been over-estimated. Additional mitigation should be provided for this scheme to be approved.

Use of heat pumps and solar PV is welcomed, as is the elimination of gas boilers. Would like to see PV expanded to the maximum rooftop potential. Disappointed wider heat network is not being adopted that could help decarbonise the town centre. Analysis of embodied carbon is welcomed. The RIBA target of 75 litres per person per day should be adopted. 3 metre towpath should be retained to be a quality provision for cyclists, step free access should be provided to river, permeable access should be provided between Sexton Road, each plot and the river. Net gain in biodiversity does not appear to be achievable, survey undertaken in January causing many species to be missed, makes detailed comments regarding net loss in biodiversity rather than net gain.

North East Herts Swift Group – "Appendix G: Biodiversity Enhancement Strategy, Ecological Appraisal appendix 8", has been amended to include a minimum of 54 swift bricks, 54 house martin cups and a minimum of 100 integral bat bricks across the Riverside facing buildings as well as other mitigations for other species. We thank you for taking biodiversity mitigations seriously and making the amendments.

Herts and Middx Wildlife Trust – Before it can be decided a full biodiversity metric must be supplied, not a summary. Once provided and approved, a landscape and biodiversity management plan should be conditioned. An 8 metre

buffer strip should be provided along the river as required by policy WAT3. Provision of bird and bat boxes welcomed, these must be integrated into the buildings.

7.5 All of the representations received during the course of this application have been considered in the preparation of this report.

8.0 Consideration of Issues

Section 38(6) of the Planning and Compulsory Purchase Act 2004 dictates that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. This means that when considering a planning application, the local planning authority should primarily adhere to the policies outlined in the local development plan. However, if other factors, not included in the plan, outweigh the plan's policies, the application can be determined accordingly.

Introduction

- 8.1 Prior to the submission of the application, the Council received a request for a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, to determine whether the proposed development should be accompanied by an Environmental Statement (ES). The description of the development was: *Screening opinion for up to 420 homes (Use Class C2/C3), up to 3,500sqm of flexible employment floorspace (Class E), up to a 95 bedroom hotel (Use Class C1), a multi storey car park and associated landscaping and public realm works.* The current application differs from that description in that the number of dwellings has increased by 3, and a hotel is now the subject of a separate planning application. The differences highlighted above are not viewed as being significant or that they would give rise to materially different impacts. As such the decision of the Council not to require an ES remains valid and appropriate for this current proposal.
- 8.2 All of the policy documents mentioned previously underpin and support the development of the site for a high-density residential development on this previously developed land. It is necessary for the Council to judge to what extent this current application complies with the above documents and the remainder of the District Plan, NP, NPPF, and approved Refined Masterplan for the site.
- 8.3 A number of recent appeal decisions have concluded that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The consequence of not having a 5YHLS is that the 'tilted balance' is engaged in the decision-making process. The tilted balance refers to paragraph 11(d) of the NPPF which states that if the most relevant Local Plan policies for determining a planning application are out of date (such as when a 5YHLS cannot be

demonstrated), the application should be approved unless the application of NPPF policies that protect areas or assets of particular importance (as defined by the NPPF) provide a clear reason for refusing permission or the harms caused by the application significantly and demonstrably outweigh its benefits, when assessed against policies of the NPPF as a whole. In this context, the policies considered to be out of date include those relating to the development strategy and delivery of housing which are referred to in this report.

Is there general Compliance with the East Herts District Plan, Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and part of Thorley 1st Revision (the NP), the Town Centre Planning Framework and the Refined Goods Yard Master Plan;

- 8.4 Policy BISH7 allocates the whole Good Yard site for around 600 dwellings as part of a mixed- use development including a significant amount of B1a (now Class E) office floorspace and small-scale retail provision and other community and leisure uses.
- 8.5 The Neighbourhood Plan (NP) for Bishop' Stortford (All Saints, Central, South) and part of Thorley (1st Revision) 2021 – 2033 was adopted in July 2022 and is therefore part of the Development Plan for the area. Policy GY2 sets out that the site should have residential provision for around 600 dwellings, built to a high standard with easy access for all, dwellings sited away from the railway line and any busy vehicle access points allowing for suitable noise and air pollution mitigation, and shop premises aimed at secondary shop front uses.
- 8.6 The NP outlines a number of objectives for the site, and these are to:
- Create a welcoming and pleasant public realm, enhancing the river environment,
 - Provide a transport interchange to promote better connections between all means of transport,
 - Improve vehicle access routes to the site and connections with the rest of the town,
 - Provide sufficient car and cycle parking for users,
 - Provide easy and safe pedestrian and cycle links to and from the site.
- 8.7 In 2016 the Council commissioned the preparation of a Planning Framework for Bishop's Stortford Town Centre. The Bishop's Stortford Town Centre Planning Framework (the Planning Framework) seeks to support the continued economic health and vitality of the Town Centre and guide future planning and redevelopment of this area of Bishop's Stortford as part of a range of overall planning approaches to Bishop's Stortford Town Centre. The Planning Framework was approved by the Council for development management purposes on 18 July 2017.

- 8.8 The Planning Framework identifies several constraints and opportunities for the Goods Yard. In terms of the principles of development, the Planning Framework outlines the potential for a new north-south route through the site, either for sustainable modes or for all vehicles. It also suggests two multi storey car parks – one screening the rail line and the other close to Anchor Street, to serve the town centre. There would be an expectation that offices, hotels and other commercial uses would be delivered around the station, with residential development closer to the river.
- 8.9 With regard to transport proposals, the Planning Framework identifies the potential for a significant change to traffic movements with the creation of a new road through the site. The Framework sets out the station forecourt could be redesigned to provide a higher quality public realm and more convenient interchange with other modes of travel.
- 8.10 On the 8th February 2022 the Council agreed a Refined Masterplan (RM) for the site as a material consideration for development management purposes. This follows on from the earlier masterplan for the goods yard adopted by the Council in 2017 and was progressed to reflect the reduced site area for the development. The RM includes the delivery of up to 743 dwellings for the entire Goods Yard site, along with commercial floorspace, car parking, hotel, improvements to Bishop's Stortford Transport Interchange, and public realm works.
- 8.11 It is also necessary to assess the proposal against the key aims of the NPPF which are to boost the supply of housing and promote the re-development of previously developed land in sustainable locations, which is very much the case with this application. Whilst discussed later in this report, it is also necessary to have regard to the Council's 5-year housing supply and the implications this has for decision making on schemes involving residential development.
- 8.12 Drawing all the policy context for the site together, it is clear there is strong planning policy support for the redevelopment of the site, which has been established over several years. Also, bearing in mind the broad similarities between the approved scheme ref: 3/17/2588/OUT and this current proposal, it is considered there is general compliance with the above policy documents, and in providing housing in a sustainable location there would be significant benefits arising from the development. These benefits must be given substantial weight in the planning balance section of the report and be considered against any negative impacts identified.

Amount of Development and Mix of Uses Proposed

- 8.13 The full application element of the proposal is for the following development:

- 178 residential dwellings (Use Class C3)
- residential car parking spaces; and
- a sub-station

The outline part of the application is for:

- up to 245 residential dwellings - Use Class C3, (with no more than 173 C2 dwellings)
- up to 3,276 m² flexible commercial floorspace (Use Class E)
- car park facility; and
- residential parking spaces

8.14 The application as amended now includes provision for an element of C2 use, which if provided would help to meet the need for older persons accommodation and is a welcome addition to the housing mix proposed.

8.15 In terms of the quantum of residential development on the site, plots A & B which have recently been built provide 323 dwellings. This application would replace the outline element of approval ref: 3/17/2588/OUT, and in total proposes a further 423 dwellings. If approved there would be 746 dwellings on the goods yard site as a whole.

8.16 Policy BISH7 in the District Plan and GY2 in the NP both allocate the site for around 600 homes. This application proposes 146 dwellings more than the above policies envisage, and 105 dwellings more than the previous hybrid application on the site if the approved care home beds are included as dwellings.

8.17 It is not unusual for the outturn of dwellings on allocation sites to be more or less than the allocation policy state. This is because the dwelling numbers attributed to sites at plan making stage are approximate and are usually formulated prior to any detailed design work being undertaken. The policy sets a broad target for the provision of homes, and not a maximum or cap to the limit supported by the policy allocation. Officers consider that regard has duly been given to the Written Ministerial Statement (December 2024) which supports a brownfield land first approach to development of new homes which echoes the policy guidance set out in the NPPF (making efficient use of land). In optimising the level of housing provision on this particular site, the development would be in line with the thrust of National Planning Policy. This approach is also reflected in the Council's Development Strategy set out in Policies DPS1 and DPS2 of the District Plan.

8.18 It has to be acknowledged that the site area has decreased compared to the previous approval with the removal of the sidings, and the density of dwellings has therefore increased. This factor is the subject of local concern with the proposal. However, the increase in dwellings in principle is not viewed as being

unacceptable, particularly given the NPPFs objective of boosting the supply of housing and when viewed in the context of improving the Council's housing land supply position. The key question is whether the additional dwellings result in any negative impacts and if so their magnitude when weighed against the benefits of the scheme.

8.19 The application also proposes a total of 3,276sqm of flexible commercial floorspace (Use Class E) which is defined as -

- Display or retail sale of goods, other than hot food, principally to visiting members of the public
- Sale of food and drink principally to visiting members of the public where consumption is mostly on the premises
- Financial services
- Professional services (other than health or medical services)
- Any other service appropriate to provide in a commercial business or service locality
- Indoor sport, recreation or fitness
- Medical or health services
- Crèche, day nursery or day centre
- Office to carry out any operational or administrative functions
- Research & development
- Any industrial process which can be carried out in a residential area without detriment to the amenity of that area.

8.20 Planning approval ref: 3/17/2588/OUT proposed 3,004sqm of B1 office accommodation within Plots A6 and A7. Plots A6 and A7 are included in the outline part of this current application, and the planning statement confirms that the majority of Class E uses termed as 'flexible commercial floorspace' would be located within Plot A6 fronting Station Road. 270sqm of Class E flexible commercial floor space would be contained on the ground floor of Plot A7 fronting Station Square, with the upper floors of the building being residential. Residential parking spaces are also proposed along with a car park facility.

8.21 As well as 323 dwellings being provided with the approved 'as built' Plots A & B, there is planning permission for 1,000sqm of retail uses at ground floor level within Plots A & B, along with 491sqm of dual/alternative retail and health care floorspace proposed on the ground floor in Plot B. Taken together the existing planning permission, combined with this current proposal would deliver a mix-used scheme consisting of residential, retail, offices, potential healthcare, and public car parking. A transport interchange was approved under the previous permission ref: 3/17/2588/OUT and does not form part of this application but forms part of separate application ref: 3/24/1707/FUL yet to be determined. However, the combined development would meet the expectation of NP policy

(GY3) for the delivery of a safe and efficient transport interchange for all types or users and usage.

- 8.22 Policy BISH7 in the District Plan as well allocating the site for around 600 homes, requires a mixed-use development including a significant amount of B1a Office floorspace, small scale retail provision and other community and leisure uses. The Refined Masterplan for the site endorses the number of dwellings and range of uses now proposed. The NP in policy GY2 also supports around 600 homes, small scale retail, service and food outlets, B1 office, local medical centre (not a main hub), hotel, and public conveniences. The Town Centre Planning Framework also envisages a mixed-use development of the site consisting of residential, offices, hotel and car parking.
- 8.23 Given the policy context for the site outlined above, it is considered that the amount and mix of uses is acceptable and would provide a range of uses appropriate for a sustainable town centre location. However, in order to meet the requirements of policies BISH7 and GY2 it will be important to require a marketing strategy for the commercial floor space, and to withdraw permitted development rights to prevent the introduction of alternative uses without the benefit of full planning permission.

The layout, scale, density, landscaping and design of the development and its impact on the character of the area;

Full Application

- 8.24 In considering the design and layout proposed for this application, it is necessary to have regard to planning approval ref: 3/17/2588/OUT approved by the Council in 2018. Whilst the approval included the railway sidings which do not form part of this current application, it established acceptable principles for the design and scale of development for the site.
- 8.25 The allocation policy for the site BISH7 requires a high-quality design, with varying character and style across the site, and vehicle-free public realm along the river frontage. Policy DES4 in the District Plan requires all development proposals to be a high standard of design, making the best use of the available land by respecting or improving upon the character of the site and surrounding area. Policy GY2 in the NP meanwhile requires an attractive and welcoming appearance to those arriving in the town by train, and development of a high quality that demonstrate an understanding of local history. People friendly

features within the built environment such as seats, tree and shrub planting should be part of any scheme.

- 8.26 In terms of the impact on designated heritage assets, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas. The same act establishes a duty to have special regard to the desirability of preserving Listed Buildings or their settings. Where a proposal would result in less than substantial harm to a designated heritage asset, the NPPF requires the harm to be weighed against the public benefits of the proposal.
- 8.27 Policy HA4 in the District Plan states that new development will be permitted provided it preserves or enhances the special interest, character and appearance of Conservation Areas. Policy HA7 meanwhile confirms that proposals which affect the setting of a Listed Building will only be permitted where the setting of the building is preserved.
- 8.28 Policy HDP2 in the NP requires all proposals in, and adjacent to Conservation Areas to demonstrate that the significance of the historic setting has been considered and factored into the design.
- 8.29 Focussing first on the detailed (full) part of this proposal, as part of the previous approval on the site plot C to the east of the river footbridge was approved in outline, with the plans indicating a layout and configuration for the plot very similar to that now proposed. The outline permission approved two 5 & 6 storey buildings on the plot, with 5 storeys on the east and west ends of the plot and 6 storeys towards the centre. The current proposal is for 6 -7 storey buildings, with 6 storeys on the western (riverside) of the building rising to 7 storeys towards Sexton Road. In common with the outline approval, the northern building on plot C is rectangular in shape with the southern building L shaped. Private gardens and play space will be provided between the two buildings.
- 8.30 The two gable ends nearest to and facing the river contain 6 floors of accommodation although it should be noted that the 6th floor is located within the roof area. The impact of the accommodation on plot C is reduced due to it being provided in two detached buildings. Moreover, the variation in roof form and height is a positive aspect of the design, as is the provision of external balconies. Whilst modern in design, plot C will follow the design of the buildings built on plots A and B. To the south and on the opposite side of Sextons Road a substation is proposed adjacent to the parking area for plot F.

- 8.31 To the east of Sextons Road and adjacent to the station, plot A7 is already approved as a 2/3 storey building as set out in Building Heights Plan (041_PL_A-07 rev A) of the previous permission ref:3/17/2588/OUT, and this current proposal is for a 5/6 storey building which is a significant increase in height. However, the building will be located in the heart of the site and will be viewed in the context of taller buildings such as plot B at 6 storeys and the proposed plot C at 7 storeys. The proposed heights are set out in the Building Height Parameter Plan (ZZ-XX-DR-A-10012).
- 8.32 Sited to the southeast of plot A7 will be a car park facility of up to 7 storeys. This was approved as a 6-storey car park as part of planning permission ref:3/17/2588/OUT. To the south of the car park and adjacent to the sidings will be plot F at 6 storeys with a parking area to the south. The previous application approved the buildings in this location at 5 storeys.
- 8.33 Plot D will be located to the southeast of plot C and run parallel between the river and Sextons Road. The building would be 4/5 storeys tall and would be sited in a similar position as approved previously when the buildings were stated as 2-4 storey. Due to the requirement to retain the ordinary watercourse which has existed on the site for many years, much of the land between the rear of plot D and the towpath will be the watercourse/attenuation basin. At its lowest point the attenuation basin would be 0.6 metres lower than the level of the existing towpath next to the river. Indicatively, to the rear of plot D a retaining wall would sit some 0.56 metres above the level of the watercourse.
- 8.34 Plot E contains the southernmost building on the site, and the outline approval indicated a 3 storey building in this location. This is now proposed as a 4/5 storey building, with an attenuation basin located to the south of the building between the towpath and Sextons Road. Plot E is located opposite from the retained sidings with Sextons Road in between the Sextons Road and the river.
- 8.35 In terms of plot A6 at the northern tip of the site adjacent to Station Road, this already has full permission for a 4/3 storey commercial building, located in a similar location as per the current application, and of a similar design.
- 8.36 The current proposal is for a 5/4 storey building, and in common with the previous approval the highest part of the building will be sited adjacent to Station Road, and it will run parallel to Dane Street and reduce in height to 4 storeys to the south running alongside the highway. Immediately adjacent to the building provision is made for a ramp and steps, providing both step and step free access from Station Road to Dane Street. The detailed design of the new step free access will be subject to further consideration at reserved matters stage. The very northern end of plot A6 is located within the Conservation Area, and it is important to judge whether the proposal would preserve or enhance the character of the Conservation Area. This is addressed later in the report.

8.37 Turning now to the detailed impact and considerations regarding the design and layout of the development, and in doing so it is important to note comments made by the Council's Conservation and Urban Design Officer namely:

It is considered that the development as set out in this application has the potential to deliver a high-quality development on this key location. Subject to detailed design and good implementation it can meet the aspirations set out in the District Plan Policy BISH7. The architectural approach taken provides interest and a sense of occasion in this key part of Bishop's Stortford and is considered acceptable. It is not considered that this application would harm the setting of nearby Listed Buildings or of the Bishop's Stortford Conservation Area.

8.38 Policy GY1 requires there to be a downwards graduation of building heights towards the river to avoid canyoning of the riverbank. In addition, to the south of the footbridge buildings should be generally lower than on the northern part of the site. The proposals achieves these aims by proposing a lower level of buildings on the western side of plot C, and for plots D and E nearest to the river. Moreover, the buildings heights proposed are generally lower to the south of the footbridge compared to the northern part of the site.

8.39 Whilst the concerns expressed regarding the provision of 7 storey buildings on the site are acknowledged, it is also important to judge the proposal against the Refined Masterplan for the site which was endorsed by the Council for development management purposes in 2022. That document amongst other things sets out that buildings on the site will be between 4 – 7 storeys in height, and this factor is a material consideration in the determination of the application. Moreover, the 7th storey of plot C sits within the building's roof area and is located towards the centre of the site. Whilst some level of detail has been provided regarding the proposed scale, design and layout, these elements form the outline part of this hybrid permission with all matters reserved. Full details are expected at reserved matters stage where more detailed aspects of the development are considered. In response to representations received from the Health and Safety Executive, A fire statement has been submitted for Block C (up to 7 storeys) and A6 (up to 5 storeys); however, a detailed fire statement will be required by condition. Any reserved matters application for Plots D, E, and F must include a fire statement if it involves a 'relevant building' as defined by section 9A of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), to ensure fire safety considerations are addressed during the planning process.

8.40 Turning to the density of the development, the NPPF requires decisions to promote the effective use of land in meeting the need for homes. The importance of avoiding homes being built at low densities is highlighted as is the need to make optimal use of each site. The NPPF sets out that plans should include

minimum standards for city and town centres that are well served by public transport. It goes on to say that the minimum standards should seek a significant uplift in the density of new housing within these areas.

- 8.41 Policy HOU2 states that housing development should make efficient use of land and demonstrate how the density of new development has been informed by the character of the local area. The policy confirms that densities will vary according to the relative accessibility and character of locations, higher net densities will be considered favourably on central sites in or near town centres.
- 8.42 In looking at the density of development it is inevitably the case that flat schemes result in higher densities, particularly in town centre locations. Indeed, immediately adjacent to the site is John Dyde Close which has a density of around 160 dwellings per hectare. This application would result in a very similar density of 161 dwellings per hectare over the whole site area, although this figure will be higher if the commercial elements of the proposal are excluded. The overall density of the extant permission is around 100 dwellings per hectare, although the site area is more than double that of this current application.
- 8.43 Whilst the density figure for a development is an indication of its intensity, on its own it is not a valid way of judging the acceptability of a development, and particularly so in relation to schemes involving flats. In accordance with the above policies, a high density of development is appropriate for this site, and there is a need to focus on the overall design, scale and layout of the proposal and its compliance with policy, rather than considering its density in isolation.
- 8.44 Having regard to the approved hybrid application on the site, it is considered that the proposals represent a scale, modern appearance and layout which is appropriate for this highly sustainable urban site. The buildings would make a positive impact in terms of design, streetscape and as a whole provide the welcoming and pleasant public realm sought by the NP. The buildings would be distinctive and add to the varied architecture in the locality. Whilst the increased height to the buildings will inevitably have a greater impact on the surrounding area, this impact would not be unacceptable and would not lead to demonstrable harm given the layout and landscaping proposed.
- 8.45 As for the impact on designated heritage assets, in addition to the Conservation Area at the very north of the site, the maltings buildings to the west on the opposite side of the river are grade II listed. Whilst separated by the river, the site lies within the setting of those buildings. During the Council's consideration of the previous hybrid application on the site it was concluded that the proposed development would enhance the character of the Conservation Area and improve the setting of the Listed Buildings. Whilst the buildings now proposed are taller than approved previously, the replacement of surface car parking with modern buildings which address both the river and highway will similarly result in an

overall enhancement to the special character of the Conservation Area and to the setting of the Listed Buildings. Any minor harm through the additional height of the structures would be at the lower end of less than substantial and be outweighed by the public benefit of providing additional homes in a sustainable location on previously developed land. Importantly, this is at a time when the Council cannot demonstrate a 5-year supply of housing. The proposal therefore complies with the national and local policies concerning designated heritage assets.

- 8.46 In common with the extant permission on the site, a range of public realm improvements are proposed. District Plan policy BISH7 requires the creation of a new station forecourt that provides a safe and attractive public realm which facilitates the movement of people between various modes of transport. The Planning Framework for Bishops Stortford requires a station square with a new public space that simplifies the area immediately outside the station building and new semi-natural publicly accessible spaces on the riverside. Policy GY1 in the NP requires improvements to the public realm on the site.
- 8.47 Much of the public realm improvements follow the principles and details approved under the extant permission. The area in front of the station will be revamped with new paving, and landscaping including the planting of trees. To the south of Plot A6 there is an opportunity to have trees in planting beds that would offer some screening to the railway in addition to multi stem flowering trees within the new seating area. A recreational green pocket square would be provided in front of the station entrance outside the cycle storage area. Street furniture will reflect the long-standing railway connection with rail trucks being used as seating. This area will form the eastern edge of the green corridor being created from the station, between plots B & C and to the river Stort.
- 8.48 A landscaped walkway is being provided as part of the existing approval to the south of Plot B and a play area formed near to the footbridge over the river. Much of the public realm improvements along the river focus on new planting, and enhanced pedestrian/ cycle access provided by the new 2 metre towpath. The retained watercourse also provides opportunities for landscaping around its edges, and the creation of a wildlife corridor.
- 8.49 The landscaping proposals are considered to meet the Refined Masterplan's key objective of providing landscaped space adjacent to the river, and the NPs requirement for green and shared spaces with continuous public access to an active river. There will be a green, landscaped route from the station to the river and a new station forecourt providing the welcome to the town for train travellers as envisaged in the NP. It is considered that the proposals embrace the opportunities within the site and meet the various policy requirements. There will be a need for further details of the public realm improvements, including a timetable for their provision and this will be secured by condition.

Highway safety and Connectivity

8.50 At its heart the NPPF establishes a presumption in favour of sustainable development. It sets out that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion, emissions, improve air quality and public health. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.51 Policy TRA1 in the District Plan seeks the promotion of sustainable transport by focussing development to locations which enable sustainable journeys to be made to key services to help aid carbon emission reduction. This goal will be achieved by ensuring a range of transport options are available to occupants, which may involve the improvement of pedestrian links, cycle paths, and passenger transport networks (including bus and/or rail services. Policy TRA2 requires development proposals to ensure that safe and suitable access can be achieved for all users.

8.52 In the NP, policy GY1 requires shared space between pedestrians, cyclists and motorists, where appropriate with traffic calming. Policy GY3 sets out detailed requirements in relation to the transport interchange, and policy GY4 covers the issue of vehicle connections to and from the site.

8.53 The main road-based transport connections to and from the site are Dane Street, and Sextons Road. The latter road was approved under the previous hybrid application and does not form part of this proposal. The Highway Authority has required when open to through traffic Sextons Road only provides access for buses, cyclists, and pedestrians. Provision will also be made for Network Rail vehicles to access the sidings. A bus gate on the southern section of Sextons Road will prevent unauthorised access.

8.54 In order to support sustainable access to and from the site, the applicant is proposing the following specific measures:

- Free bus travel for new residents for 12 months based on two people per dwelling
- Travel packs containing information on transport routes, journey times, cycling and walking routes for residents and employees
- Car club for residents
- Car share scheme
- Secure cycle storage

8.55 In terms of the response of the Highway Authority in detail, their key points are set out below:

Trip Rates

The trip rates used for the 2017 consented scheme (3/17/2588/OUT) have been applied to the revised scheme. The Highway Authority has undertaken a review of the latest trip rates in the TRICs database and consider these to be comparable to those used for the consented scheme. Therefore, this approach is acceptable.

Trip Generation

The net difference in vehicle trip generation between the extant and proposed land use predicts there will be a +24 vehicle trips in the AM Peak and +23 vehicle trips in the PM Peak when compared to the consented application, and +13 & +14 in the AM & PM Peaks respectively when compared to previous number of dwellings tested as part of the earlier approved trip generation.

The Highway Authority is satisfied this increase can be suitably managed and mitigated through the provision of Active Travel and public transport schemes that require funding via a S.106 obligation.

Trip Rates by Journey Purpose

The applicant has produced a disaggregation of trips by journey purpose based on the approach undertaken for the consented application. The Highway Authority has compared this method with more recent National Travel Survey Data (2019 to take into account pre-COVID travel patterns) and considers the survey data comparable to that used for the consented application. Therefore, the above approach is acceptable.

Distribution of Trips

Trip distribution has been undertaken in-line with Census travel to work data and local trip attractors including schools, retail and leisure locations. The Highway Authority is satisfied with the trip distribution data presented.

Base Survey Trips

It is noted the applicant has used the same base traffic survey trips as those included in consented application 3/17/2588/OUT. The Highway Authority was initially not happy with this approach and requested new surveys be undertaken to account for changes in traffic trends and new developments. The applicant has undertaken validation surveys in the Traffic Surveys Technical Note dated 11th January 2023. The Highway Authority has reviewed this raw survey data and is satisfied that the difference in the newly surveyed junctions compared with those in 3/17/2588/OUT is small.

Junction Impact Assessment

A traffic flow percentage impact assessment has been undertaken in the Transport Assessment Table 9.1, which shows the highest increase in flows would be Station Road / Anchor Street junction and Station Road / Riverside one-way junction in the AM peak.

Any increase in traffic flows is a concern for the Highway Authority and therefore mitigation is required.

Highway Safety

The Transport Assessment has included a review of personal injury collisions that have occurred on the surrounding highway network over the most recent five-year period. The Highway Authority is satisfied the recorded number of collisions is not abnormal for a central urban location.

Mitigation in the form of planning conditions and S.106 contributions will help support non-car related trips.

- 8.56 Other detailed comments are made in relation to design issues, refuse/servicing, emergency access, cycle parking, electric vehicle charging provision, disabled parking provision, car parking provision and the Framework Travel Plan. The proposals are viewed by the Highway Authority as being acceptable subject to further/amended details being secured via condition or S.106 obligation. Traffic monitoring and street maintenance and management covered by separate conditions in the original permission have now moved to a S106 obligation to cover both sites enabling both permissions to be more easily enforced and that binds all relevant parties.
- 8.57 The proposals include the provision of a 2m wide shared foot/cycleway on the towpath running adjacent to the river Stort. The Highway Authority remain unsatisfied with this provision as it is not in-line with LTN1/20 standards for a shared facility. However, the Canal and River Trust as owner of the towpath are supportive of the 2m width proposed despite the Highway Authority setting-out their concerns.
- 8.58 In respect of planning obligations, HCC has requested the following matters are secured:
- Travel Plan Monitoring Fee of £6,000
 - Sustainable Transport Contribution of £2,887,398
- 8.59 The Sustainable Transport Contribution would be used to mitigate adverse pressures generated by the proposed development (as set out in the trip impact section above) to the future operation and safety of the local highway, footway, cycleway and public transport networks. The mitigation will also focus on

enhancing and encouraging active travel and public transport use by improving facilities, walking and cycling environments, and improving the safety of trips.

8.60 More specifically, the Highway Authority will use the contributions to mitigate the impact of the development, typically through schemes identified in HCC's Local Transport Plan (LTP) and its supporting documents, Hertfordshire Eastern Area Growth & Transport Plan and related cycle studies. Sustainable transport contributions could be used for, but not limited to, packages including:

- Stansted-Rye House Cycling Corridor;
(a cycle facility running past the site, across the railway to the A1060 London Road and on to the western end of Warwick Road – scheme packages PR153, SM5, SM7, SM154, SM15, SM280, PR41, PR42)
- Bishops Stortford South Street Pedestrianisation;
(Scheme packages S26, S29, SM17)
- Wider sustainable transport improvements schemes:
(SM120 - Walking and cycling provision at the Hockerill Street Junction, PR301 charging points at the railway station, PR152 Millennium bridge access, PR123 – town centre bus priority, PR36 – River Stort Towpath upgrade).

8.61 HCC see the S.106 Sustainable Transport Contribution as being fundamental to mitigate the impact of the site and in ensuring it to be acceptable in highway planning terms.

8.62 In terms of connectivity, the movement plan submitted with the application follows many of the principles and policy requirements as indicated on the previous hybrid application. There would be pedestrian and cycle access through the site from Station Road to the station, from Sextons Road to the river in between Plots B & C, and also pedestrian access to the river to the south of Plot C. For the outline part of the application access points between Plots D & E would also be available to the river.

8.63 Currently a ramp provides step free access from the elevated section of Station Road down to Dane Street and the station. There are also steps providing access from Station Road down to Dane Street for people walking to the town centre. The proposal in outline involves replacing the existing steps and ramp with new steps directly adjacent to the west of Plot A6 from Station Road to Dane St, with a new ramp running parallel to the steps.

8.64 There have been concerns expressed regarding the new ramp and the fact that people wishing to access the station from the elevated section of Station Road would require movement away from the station by around 11 metres for those

wishing to use the ramp. Similar comments are made for people accessing the town centre. These concerns have been acknowledged by the applicant.

8.65 To avoid further delays with the application and the delivery of new homes on the site, recent revisions to the proposal now put plot A6 and the ramp within the outline part of the application as they are both intrinsically linked. To allow plot A6 to be built, some of the station forecourt also now lies within the outline proposal. As the existing cycle parking for the station (which is located where plot A6 will be sited), will not be moved until plot A6 is delivered, this in turn requires the replacement cycle parking to be included in the outline part of the application. The applicant advises the above approach will ensure a coordinated approach to delivery, and crucially allow further discussion with interest parties to ensure the best option for step free access is secured given the constraints which exist at the site. Step free access will be maintained, either by the existing ramp or its replacement in due course. Appropriate signage would also be installed to assist the public in navigating this area. It is worth noting that step free access to the station was not detailed in the 2018 approval on the site, and a planning condition secured the submission of a scheme for the Council's approval prior to the commencement of plot A6. By moving the ramp and steps into the outline part of the application, there is consistency between how step free access to the station is being handled in the previous application and as part of this current proposal. In addition, as there is no definitive detailed proposal for the new ramp and removal of the existing steps, (as it is in outline form), the application would not be justified if permission is refused on this ground. The principles for providing an inclusive and attractive public realm are subject to further evolution at the reserved matters stages, and further local consultation on these plans will take place before development in this part of the site is consented/assessed.

8.66 The Highway Authority is satisfied with the provision of the ramp (as per the illustrative scheme), as it provides step free access for mobility impaired users, and they have recommended the detailed design is provided by way of a planning condition. The Illustrative scheme is marginally less direct than the existing footpath down towards the station. However, as per the above paragraph, the full design is subject to assessment at the reserved matters stage.

8.67 As for the provision of the bus interchange approved as part of the 2017 permission, its delivery is spatially and intrinsically linked with the delivery of the hotel at Block H. Completing the bus interchange in advance of Block H would potentially compromise the safe operation of the new facility. It would also materially impact the construction accessibility, deliverability & viability of Block H. Until such time that Block H is built, the bus interchange land is required for the associated site set up and construction logistics to aid working out of a site that is otherwise essentially landlocked; being surrounded by existing roads, pavements and buildings. A planning application for the hotel and bus interchange has been submitted and will be considered and a future meeting of

Development Management Committee. If the application is approved, and the hotel built, this would allow the completion of the bus interchange. If this application is not approved, the bus interchange for which planning permission has already been granted for under the previous planning permission is capable of being implemented, in accordance with condition 56 of that permission. The current timescale suggested for the delivery of the bus interchange is by 31st December 2027.

8.68 Overall, it is considered that the proposals would not have a harmful impact on highway safety, and that the development would provide improvements for those wishing to access the station on foot or by cycle.

Car & Cycle Parking

8.69 Policy TRA3 states that vehicle parking provision will be assessed on a site-specific basis and should take into account the provisions of the Council's Supplementary Planning Document (SPD) *Vehicle Parking Provision at New Development*. Provision of sufficient and secure, covered and waterproof storage facilities should be made. Policy TP7 & TP8 in the NP also sets detailed criteria for cycle and car parking.

8.70 For the residential element of the full application (Plot C), the scheme proposes 178 dwellings and 89 car parking spaces (i.e. 0.5 spaces per dwelling). This includes 18 spaces to the front of Plot C and within the courtyard between Plots C & D, and then 71 spaces initially to be provided as surface level car parking on the eastern side of Sextons Road to ultimately then be moved into car park facility once built. The above mentioned 18 spaces will all be provided with Electric Vehicle Charging Points (EVCP), with the remaining 71 spaces with passive provision. In common with the approved hybrid application, no car parking is proposed for the commercial floorspace forming part of the application.

8.71 For the outline part of the proposals, it is also intended to provide 0.5 spaces per unit, (123 spaces approximately) including 80% EVCP provision and 20% passive provision. The parking facility will accommodate up to 565 spaces which is the same number as the current approval. There will be mix of residential and public car parking provided, with the final number of public spaces subject to a future car parking needs survey to be submitted and approved by the Council.

8.72 The Council's Updated Parking Standards have been designed to reflect local circumstances and the need to encourage sustainable forms of transport. At full provision for Plot C, the standards would require a total of 320 spaces – 144 spaces for 89 one bed, 168 spaces for 84 two bed, and 8 spaces for 5 three bed flats. However, the zonal systems within the parking standards reflect the fact that some areas will be more accessible to public transport than others, and a

reduced level of parking may be appropriate. The application site is within zone 3, with zones 1 & 2 being most accessible.

- 8.73 Applying the reduced level of parking as per the zonal system would reduce the level of parking required to between 160 – 320 spaces for Plot C. Whilst the zone identified for the site is noted, it lies in a highly accessible and sustainable position next to the station, where rail, bus and taxi services are readily available, and access to the town centre is a short walk away. With these factors in mind, the site is one of the most sustainable locations for development in the district. As such, applying the zone 2 rather than zone 3 reduction to the parking standards would be justified, and this would require a minimum of 80 spaces which is below the 89 spaces being proposed.
- 8.74 The Highway Authority notes the intention to initially provide 71 parking spaces for Block C on the eastern side of Sextons Road and for the spaces to then ultimately be moved to the car parking facility when provided. HCC are satisfied with the provision of 0.5 spaces per dwelling and request that the phasing of the parking arrangements for Block C is included in the Car Parking Management Plan to be secured by condition. This is in order to ensure parking is available upon first occupation.
- 8.75 Given the above and having regard to the parking ratio approved by the Council for Plots A & B at 0.47 spaces per dwelling, it is considered that a parking ratio of 0.5 spaces per unit for this application, whilst not compliant with Council's parking standards, is acceptable given the sustainable location of the site.
- 8.76 In common with the extant hybrid approval no car parking will be provided for the commercial uses proposed. The Highway Authority is content with this approach given the non-car based transport options available. They note that employees and visitors can park in surrounding car parks if necessary.
- 8.77 In relation to the wider provision of parking around the station, the existing MSCP approved under the previous hybrid application contains 401 spaces. There are also 373 surface parking spaces on the application site which will be removed when the site is developed, and the car park facility will provide up to 565 spaces, the exact number to be determined by further survey work and subject to the Council's approval.
- 8.78 The Transport Assessment highlights the continued reduced level of commuting following the Covid pandemic which is estimated at 60-70% of that before the pandemic. This suggests a range of demand of 500 – 700 vehicles per day. In total MSCP 1 & the car park facility will provide up to 966 spaces and whilst 71 of the spaces will be residents parking, it is considered the overall level of public car parking to serve the station is adequate and acceptable.

- 8.79 Long and short stay cycle parking is provided across the proposed development for both the residential and commercial elements of the scheme. For Plot C 178 long stay cycle parking spaces are proposed representing 1 space per dwelling.
- 8.80 It is also important to highlight the wider package of station improvements which includes relocated and improved cycle parking for users of the station. This will be provided to the south of the station and includes an enhanced offer of 360 spaces. As such there will be an availability of cycle parking generally in the area. The Highway Authority has requested that a cycle parking management plan is secured by condition, and this is included in the list of recommended conditions at the end of this report. Given the above, the level of car & cycle parking proposed is viewed as being acceptable.

Flood Mitigation & Drainage

- 8.81 The NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. If development is necessary, it should be made safe, ensuring that flood risk elsewhere is not increased. Relevant Local Plan policies follow this approach.
- 8.82 District Plan policy WAT1 sets out that development in flood risk areas should neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people, property, crops or livestock from such events. Development should also take into account the effects of climate change. Policy WAT5 in the District Plan and HDP3 in the NP requires development to utilise the most sustainable forms of drainage system in accordance with the SuDS hierarchy, unless there are practical engineering reasons for not doing so. Policy GIP8 relates to development in flood risk zones.
- 8.83 The flood risk assessment submitted by the applicant notes that the majority of the site is located in Flood Zone 2 and the remainder in Flood Zone 1. Historical mapping data shows that the site has been affected by flooding in the past but hydraulic modelling shows that the entire site is not expected to flood for flood events up to and including the 1 in 1000-year event. The Flood Risk Assessment includes a 20% allowance for climate change.
- 8.84 Para 170 of the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 173-179 outline the requirement for the sequential and where appropriate an exceptions test in the consideration of planning applications. However, where applications come forward on allocated sites which have been the subject of a sequential test at plan making stage, applicants need not apply a sequential test again at application stage. However, the District Plan was adopted in 2018 and national guidance now requires that sequential tests

consider all sources of flooding (including surface water) which was not previously the case.

- 8.85 Given the above, the applicant has undertaken a sequential test, the scope of which was agreed in advance with the Council. Having been the subject of a sequential test at plan making stage and based on the sequential test subsequently undertaken by the applicant, it has been demonstrated there are no other reasonably available sites to accommodate the development and within the area of the search, which are at a lower risk of flooding and are not already allocated for development.
- 8.86 As the development is defined as more vulnerable in the context of flood risk, it is also necessary to consider the exceptions test as set out in the NPPF and PPG. To pass the exceptions test it should be demonstrated that the development would bring wider sustainability benefits to the community that outweigh the flood risk, and the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall. Through the re-development of previously developed land for residential units in a very sustainable location, and by providing commercial floorspace and jobs for local people, it is considered that the wider sustainability benefits would outweigh the flood risk associated with the development. Moreover, the modelling work done by the application and their flood risk assessment demonstrates that the development will be safe for its lifetime. The Environment Agency raises no objections to the proposals on flood risk grounds and in terms of proximity to the river Stort.
- 8.87 There have been extensive discussions between the applicant and the Local Lead Flood Authority (LLFA) during the Council's consideration of the application. These discussions focussed on the ordinary watercourse on the site, and the role it plays in accommodating surface water from a large catchment area to the east of the railway tracks. The outcome of these discussions is that the watercourse adjacent to plots C, D and E will be enhanced and enlarged to accommodate the required level of flood attenuation and storage on site. Not only will the proposal ensure surface drainage for the area will be accommodated, there are also ecological benefits in enhancing the existing watercourse adjacent to the river.
- 8.88 A sustainable drainage strategy has been proposed incorporating a variety of features including permeable paving, and underground storage tanks. Surface water will be discharged into the river Stort at discharge rates to be agreed with the Canal & River Trust.
- 8.89 With regard to future maintenance, the applicant indicates that where not adopted as part of the infrastructure on the site by Herts CC, maintenance will be undertaken by a private infrastructure management company.

8.90 The LLFA have raised no objections to the proposal subject to the imposition of conditions. Given the above, as an allocated site in the District Plan which has also been the subject of a Strategic Flood Risk Assessment and sequential test at the plan making stage, and now a sequential test as part of this application, the development is considered to be acceptable in relation to flood risk.

Enhancement of the River Stort and its Biodiversity

8.91 District Plan policy BISH7 requires improvements to the riverside environment in line with the river Stort Catchment Management Programme. Policy CFLR4 supports in principle proposals for water-based recreation. At the same time policy NE2 requires proposals to achieve a net gain in biodiversity where it is feasible, NE3 requires a demonstration of how a development improves the biodiversity value of the site and surrounding environment.

8.92 The Refined Masterplan for the site places an emphasis on biodiversity and habitat creation. Policy GY1 in the NP meanwhile looks for green spaces to improve the unmanaged scrubland to the south of the site, preserving and enhancing existing riverside habitats.

8.93 An Ecological appraisal has been submitted with the application, and this concludes that there are no significant ecological constraints to the development, as long as impacts on the river Stort and fauna which may use this habitat for foraging and commuting are minimised through a sensitive lighting scheme and appropriate drainage strategy. It states with appropriate mitigation and enhancement measures, the ecological receptors identified in the report would not be adversely affected. It goes on to say that there are opportunities for enhancement by the proposed native planting scheme, and by reinstating the green corridor along the river Stort. Combined with bird/bat boxes, hedgehog houses and insect hotels, the new landscaped areas and enhanced watercourse will ensure there is at least a 10% net gain in biodiversity as a result of the proposals.

8.94 In terms of the Environment Agency's view on ecology issues, they say the proposal is only acceptable if a planning condition is imposed requiring a landscape and ecological management plan. Such a condition is recommended at the end of this report.

8.95 The response from Herts CC Ecology team raises no objections to the proposal. They say that the outline water vole mitigation strategy should be secured by Condition. Biodiversity enhancements have been suitably updated and should be secured through a LEMP secured by Condition. The submitted metrics have demonstrated that the development can deliver a biodiversity net

gain and updated metrics will need to be submitted at the appropriate reserved matters stages.

- 8.96 The Canal & River Trust (CRT) are responsible for managing and maintaining the river and existing towpath. In common with the previous hybrid application, the introduction of points of access to the river are proposed. The existing S.106 planning obligation associated with the 2017 application secured the requirement for a Towpath Works Strategy (TWS) including visitor mooring infrastructure along the towpath, improvements to the access from London Road to the towpath, and works to trees along the river.
- 8.97 Following a more detailed assessment regarding providing visitor mooring infrastructure on this part of the river, it is clear that these works are not feasible and do not align with the CRTs current strategy. Following, further discussions between the applicant and the CRT, it has been agreed that a financial contribution will be made by the applicant in lieu of providing visitor mooring. The CRT will use the contribution to make improvements along the towpath. This change to the existing S.106 is the subject of a Deed of Variation currently being progressed between the Council, the applicant and the CRT. The financial contribution will be secured as part of the existing planning approval, and there is no need for this matter to be considered further as part of this current application.
- 8.98 The Trust have not objected to the current application but have made detailed comments regarding the proposal. These include the need for further details of the accesses proposed to the towpath, which should be secured using the same conditions as per the last approval. Conditions are also requested to secure further details of surface water drainage, particularly regarding the discharge of surface water into the river. Issues relating to structural integrity and biodiversity of the waterway should also continue to be secured by conditions. Overall, the CRT considers the proposal to be a high-quality scheme that would promote the river as a focus of place making.
- 8.99 For the enhancement of the river Stort and its biodiversity, the current proposal follows the principles of the approved 2018 hybrid application. The improvements to the towpath and landscaped areas along the western boundary of the site will improve biodiversity, access to the river and its setting. There would therefore be an enhancement to the river Stort as a result of the proposal meeting the various policy objectives which will benefit wildlife, local residents and visitors to the town.

Affordable Housing, and contributions to local infrastructure, having regard to the viability of the proposal

8.100 Policy HOU3 in the District Plan requires up to 40% affordable housing on sites proposing 15 or more additional dwellings, and provision will be expected to incorporate a mix of tenures taking into account the Council's most up to date evidence on housing need. The policy states that a lower provision may be permitted if it can be demonstrated that provision cannot be achieved due to viability reasons or where it would prejudice the need to secure other infrastructure priorities. For this proposal of 423 dwellings, 40% affordable housing would equate to 169 units.

8.101 The Council's adopted Affordable Housing SPD for East Herts provides detailed guidance on the need for affordable housing and outlines how it will be secured through new developments. Both the District Plan and the SPD refer to the most recent Strategic Housing Market Assessment (SHMA) identifying a need for 84% affordable rent and 16% intermediate affordable housing. Policy HDP4 in the NP requires proposal to show compliance with the Council's Affordable Housing SPD.

8.102 Para. 58 of the NPPF, and regulation 122 of the Community Infrastructure Regulations 2010, require that planning obligations must only be sought where they meet all of the following tests:

- Necessary to make the development acceptable;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development;

8.103 Para 59 of the NPPF confirms it is for an applicant to demonstrate whether particular circumstances justify the need for a viability assessment, and the weight given to such an assessment is a matter for the decision maker having regard to the circumstances in the case.

8.104 In approving the previous hybrid application, and due to the viability of the development at the time, 19.8% affordable housing was secured from a total of 586 C3 dwellings, amounting to 116 affordable units – of which 64 units have been provided in plots A & B.

8.105 In support of this current application the applicant has submitted a viability assessment and other supporting information which sets out that the proposal is unviable. The assessment projects a negative return on the development of £25.22 million on the whole allocation site, and £30.77 million based on the reduced site area of the current application. The viability assessment is based on total S.106 contributions being required of circa £2.8 million. In view of the above viability position, as submitted originally, the application contained no provision for any further affordable housing on the site, over and above the 64 units already provided on Plots A & B.

8.106 It is important to also highlight the significant increase in the financial contributions secured with the 2018 application at circa £2.6 million for 641 dwellings, and the £8.7 million now identified for 423 dwellings. The increase is mainly due to revised policy/costings adopted by HCC, additional sums now being sought by the Natural England and the National Trust to mitigate the impact of additional residents using Hatfield Forest (A Site of Special Scientific Interest and National Nature Reserve), and additional infrastructure funds required following the Council adopting its Open Space, Sport and Recreation SPD. The financial contributions identified as being required for this application are outlined below. It should be noted that the sums required for play areas, parks and gardens, and amenity green space would when finalised be somewhat less than indicated in the table to reflect some on-site provision of these facilities:

Required Contributions	Initially Requested Current Application £s
No. Of Units	423
Accessibility/Sustainable Transport	£2,887,398
Libraries	£57,174
Allotments	£74,809
Primary Care	£546,516
Childcare	£604
Acute Healthcare	£936,717
Primary Education	£912,696
Secondary Education Contribution	£776,165
Travel Plan Evaluation	£10,000
Youth Facilities Services	£13,072
Special Educational Needs	£65,053
Waste Services	£51,811
Hatfield Forest	£63,450
Fire & Rescue	£160,990
Children's Play Space	£908,249
Natural & Semi Natural Space	£175,546
Parks & Gardens Amenity Green Space	£416,980
Playing Pitches	£30,879
Recycling	£32,148
Total	£8,781,493

8.107 In order to assess independently the viability of the development, the Council appointed a viability Consultant to consider the evidence submitted with the application. The Council's Consultant concluded that based on the entire allocation site, the development would produce a deficit of £11,273,000, and

for this current application a deficit of £17,649,000. Based on these figures the Consultant concludes that the development is not viable even with 100% market housing. The applicant disputes these findings as they consider the deficit to be significantly more than the Council's Consultant has found. In any event it is accepted that the development is unviable. As such, the ability for the applicant to provide a policy compliant level of affordable housing and the financial contributions now required is severely constrained.

8.108 Any major development of this size will have an impact on a wide range of existing local infrastructure such as schools, healthcare, highways and sports facilities. In order for a development to be viewed as sustainable, it is important that a proposal mitigates its impact on local infrastructure by providing funding for services as well as affordable housing for which there is a demonstrable demand. Whilst the Committee will note the wide range of contributions sought for this development, the priorities for provision are viewed as being affordable housing, followed by contributions to healthcare, education and sustainable transport measures. Where possible, on-site infrastructure such as public realm, green spaces, employment floorspace provision and pedestrian and cycle routes have been provided to negate the need for full contributions.

8.109 In light of the viability position already outlined, discussions have taken place with both the applicant and HCC. The total amount of financial contributions originally proposed given the viability of the development was £2,832,408 with no affordable housing on offer. In order to improve the sustainability of the development to an acceptable level, and provide some affordable housing, the applicant has increased the sum available for local infrastructure to £3,268,690. Of this sum it is proposed that £1,000,000 is utilised to provide 11 units of shared ownership affordable housing. In addition, the applicant is now proposing 13 more affordable units giving a total of 24 shared ownership dwellings. This is in recognition of the importance of affordable housing to the authority, and to meet some of the unmet housing needs of the area.

8.110 The above provision would give 23% affordable housing from the uplift in dwellings numbers of 106 units now proposed compared with the approved hybrid application. Whilst providing shared ownership dwellings only will not comply with the SHMA requirement for 84% affordable rent, it is considered appropriate for this particular site given the viability issues demonstrated by the applicant.

8.111 For the entire allocation site, the proposal would result in 11.79% affordable dwellings being provided (24 units with this application and 64 provided in plots A & B). Whilst any level of affordable housing is a benefit of the scheme, this benefit is tempered in the context of a District Plan requirement to provide 40% of the units as affordable. It should nevertheless be acknowledged that the

applicant in the face of a difficult financial position has attempted to provide an element of affordable housing which should be welcomed.

8.112 For their part HCC accept that the development is unviable and have agreed to accept a reduced total contribution of £1,286,484 to be used as set out in the table below. The applicant has also proposed a sum of £373,240 for East Herts Council to utilise for community facilities and offsite sports facilities. It is proposed the contribution should be used in the following ways: £124,080 towards the development of new arts and community facilities at Old River Lane and /or Castle Park (and/or elsewhere in Bishop's Stortford), and £248,160 towards for the provision of a scheme or schemes for the improvement of sports facilities at the Grange Paddocks Leisure Centre in Bishop's Stortford.

8.113 In relation to health contributions, the NHS has requested £546,516 towards primary care and this will be funded in full and be used to improve capacity at local GP surgeries. During the consideration of the last hybrid application the NHS also requested £1,577,706 towards acute, mental and community healthcare. Due to viability issues with that proposal, the signed S.106 Obligation stipulated this latter contribution would only be payable if the viability re-assessment undertaken during the implementation of the development showed excess value being created from the scheme, which had not been anticipated at the time the application was determined. Given the under provision of affordable housing, it is now proposed that any future excess profits are directed towards additional affordable units on the site in the first instance.

8.114 The applicant has also stated their intention to make the financial contribution towards Hatfield Forest as requested by Natural England and the National Trust. The reduced and revised contributions are shown in the table below:

Contributions Now Proposed	Current Application £s
No. Of Units	423
Accessibility/Sustainable Transport	£673,157
Travel Plan Evaluation	£6,000
Primary Education and Secondary Education	£494,415
Special Educational Needs and Disabilities (SEND)	£19,044
Childcare (5-11)	£177
Library Service	£27,567

Youth Service	£3,827
Waste Service(recycling)	£2,113
Waste Service (transfer)	£13,055
Fire & Rescue Service	£47,130
Hatfield Forest	£63,450
Primary Care	£546,516
Community Facilities	£124,080
Sports Facilities	£248,160
Total Cost	£2,268,690

8.115 As a forward projection of viability can never be entirely certain, it is essential that the viability of the scheme is reassessed in the future. The Council's viability Consultant has highlighted there is the potential for value to be released from the sale of car parking spaces to the residential units, although this would be insufficient to raise the residual profits model to a point of being viable. The most appropriate time to reassess the viability of the scheme is prior to the submission of any reserved matters application for the outline part of the proposal. This would allow actual costs and sales values to be considered from Plot C.

8.116 To conclude on the issue of affordable housing and the viability of the development, the scheme would not provide a policy compliant level of affordable housing and significantly less than the required amount of infrastructure contributions. However, policy HOU3 does allow for a lower provision of affordable housing due to viability reasons which has been demonstrated in this case. Whilst the fact the development is unviable is not in dispute, the very low level of affordable housing now proposed and reduced financial contributions are factors that weigh against the scheme in the planning balance, of which some negative weight must be attached. The contributions proposed meet the tests enshrined in the regulation 122 of the Community Infrastructure Levy regulation 2010 in that they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

The impact on the occupiers of existing dwellings adjacent to the site;

8.117 Plot C will be located to the south of Plot B, and at a distance of around 15 metres. Windows to habitable rooms in the southern elevation of Plot B will face windows to habitable rooms in the northern elevation of Plot C. Whilst a window-to-window distance of 15 metres could be viewed as being less than desirable in providing a reasonable degree of privacy in some locations, it is very relevant that this is a high-density development in a sustainable town centre location. In such locations the expectations of privacy will inevitably be much lower than would be the case for suburban areas. As such, it is not

considered that there would be an unacceptable level of privacy between Plots B & C, or that Plot C would have an overbearing impact on Plot B. The other point to note is that Plot C is shown in a very similar position as per the approved 2018 application on the site.

- 8.118 As for the dwellings on the other side of the river, Braziers Quay would be around 55 metres from Plot C, Riverview would be approximately 37 metres from Plot D, and South Mill Court circa. 29 metres from Plot E. Given the height of the proposal ranging from 4 to 7 storeys, the buildings will clearly be visible from these existing developments. However, given the distances involved and the existing planning permission for a similar development, it is not considered the proposal would be overbearing, or give rise to an unacceptable loss of privacy or outlook.
- 8.119 A Daylight and Sunlight report has been submitted with the application and it indicates for 10 River View, and for some flats in Plot B, these dwellings will experience a reduction in daylight greater than the recommended thresholds within the BRE standards. For 10 River View part of the adverse impact is created by the design of this dwelling which has an overhanging balcony which increases an obstruction for daylight & sunlight. An element of flexibility is suggested in the report, and the assessment indicates that daylight levels will not detrimentally affect the occupier's enjoyment of typical activities at the property. In terms of the impact on Plot B, this would not be dissimilar to the relationship between Plot A & B which was viewed previously as being acceptable.
- 8.120 The Daylight and Sunlight Report concludes by stating overall, the proposal would not materially affect the daylight and sunlight amenity received by existing surrounding properties. This conclusion is viewed as being reasonable given the size and siting of the development. It is also of relevance that the NPPF advises that a flexible approach should be taken in applying guidance relating to daylight and sunlight where it would inhibit making efficient use of a site, so long as the scheme would provide acceptable living standards which is viewed as the case here.

The standard of amenities for future occupiers of the development including issues relating to noise and air quality

- 8.121 Policy HOU7 in the District Plan requires all new residential development to meet Building Regulations Requirement M4(2): Category 2 – Accessible and Adaptable Dwellings and on sites proposing 11 or more dwellings a proportion of dwellings will be expected to meet the Building Regulations Requirement M4(3): Category 3 – Wheelchair User Dwellings. The Planning Statement confirms that 90% of the dwellings will be Category 2 compliant, and the

remaining 10% will be Category 3 compliant. The proposal therefore complies with policy HOU7 subject to conditions securing these standards.

- 8.122 Policy DES4 requires compliance with policy HOU7 and sets out that internal rooms should be of an appropriate size and dimension so that the intended function of each room can be achieved. The detailed elements for the application confirms that all dwellings meet or exceed the minimum space standards contained in the Technical Housing Standards – Nationally Described Space Standards and the proposal therefore complies with policy DES4 in this respect.
- 8.123 Policy BISH7 requires that residential plots to have access to private amenity green space. Policy CFLR1 meanwhile requires new development to provide open spaces, indoor and outdoor to provide for the needs arising from the development. All dwellings proposed will have access to terraces or balconies. Moreover, external open space will be provided in between plots and along the river side of the development. Overall, the development is viewed as being in compliance with BISH7 and CFLR1.
- 8.124 Para. 164 of the NPPF sets out how development should seek to mitigate climate change and reduce greenhouse gas emissions, this can be achieved through its location, orientation and design. Policy CC1 in the District Plan requires developments to show how overheating will be minimised in the summer. Whilst overheating mitigation is now governed by the Building Regulations under Approved Document O, an Overheating Statement has been submitted with the application. This shows that the development shows no risk of overheating for current weather files, and that under future weather files flats on level 5 and 6 in plot C have been found to have a higher risk of overheating which can be mitigated with the installation of passive measures.
- 8.125 The Daylight and Sunlight Report submitted with the application for Plot C has found a high rate of compliance (86%) with BRE standards given the scale and massing of the development. As such future occupiers should benefit from reasonable degrees of daylight and sunlight within the development.
- 8.126 The application is supported by a Noise Report, which sets out that the dominant noise sources in the area are from the adjacent railway and road network. No noise from the flour mill on the other side of Station Road has been identified. The Noise Report also assesses the impact of the proposed commercial units.
- 8.127 The approved hybrid application on the site involved the removal of the sidings. This current proposal retains the sidings as they are required by Network Rail for operational reasons, and Plots D, E and F are located in close proximity to them. Plot F is around 5 metres from the sidings, with Plot E around

23 metres away. The sidings were used as a depot during mainline upgrade works during 2021/2022 resulting in an increase in their use throughout a 24-hour period. This led in an increase in noise complaints for local residents during that time.

- 8.128 Network Rail have confirmed that the sidings are no longer being used as a depot, and they have reverted to their intended use as an ad hoc preparation area for trains before they leave to undertake emergency repairs on the mainline. In this respect a typical use of the sidings may be upwards of 30 times a year, (having been less frequent for 2019/20), and when used, the main noise from the sidings would be between 8pm and 10pm. Noise sources would primarily include an idling locomotive and a generator working nearby to pump water into the waggons. It is stated that this is a very specific usage and a rare occurrence during a calendar year. There is a possibility that the locomotive would return to the sidings the next morning after conducting repairs on the line, and it would then cease operation and not idle its engine.
- 8.129 Regarding the impact of vibration from the railway line, the applicant has taken measurements 15 metres from the mainline. The values measured indicate that the risk of adverse comment would be low. However, to ensure there is no impact from the railway best practice measures should be implemented in the construction of plot F to minimise the risk of vibration into the building.
- 8.130 The Council's Environmental Health Officer (EHO) has carefully considered the information supplied by the applicant, and with knowledge of the complaint history of the site. Having previously raised an objection to the application due to noise emanating from the use of the sidings, with the benefit of the additional information supplied by the applicant the EHO does not object to the proposal and recommends conditions be attached to any approval granted. This is on account that internal noise levels will be mitigated by additional sound insulation included in the building envelope, and the noise source from the sidings is infrequent.
- 8.131 Policy EQ4 in the District Plan states that the effect of development on air quality is a material consideration. The issue of air quality is also related to the use of the sidings by Network Rail due to diesel fumes from locomotives and generators. Regarding the former issue, the applicant's Air Quality report concludes that during both the construction and operational phase of the development air quality would remain below target values. For air quality related to the use of the sidings, levels would not exceed those values found already around the site. The Council's Environmental Health Officer has raised no objections to the application in terms of air quality, provided a scheme of measures is secured by condition to off-set the damage costs calculated as

£108,841 as informed by the applicant's air quality assessment. These measures have been embedded in relevant conditions that ensure the provision of EV charging points and the bus interchange.

8.132 Given the above factors, it is considered that the proposal would provide an acceptable living environment for future occupants of the development.

Housing Mix

8.133 Policy BISH7 in the District Plan requires a range of dwelling types and mix of housing, in accordance with the provisions of Policy HOU1, including residential apartments on the upper floors of commercial uses and 3 -4 bed family homes. Policy HOU1 requires an appropriate mix of housing tenures, types and sizes in order to create mixed and balanced communities appropriate to local character and taking into account the latest SHMA. Policy HOU6 meanwhile states that the Council will encourage the provision of specialist housing for older and vulnerable people. Policy HDP4 in the NP requires the submission of a dwelling mix strategy setting out how proposals meet objectively identified needs.

8.134 Whilst the SHMA identifies a far greater need for 2 – 5 bedroom houses than flats, it would be unrealistic to expect houses to be provided on this site given its location near to the station, and the housing numbers expected in policy BISH7. Moreover, the proposed mix of 89 one bed, 84 two bed and 5 three bed apartments broadly follows the housing mix for Plots A & B which the Council found acceptable previously.

8.135 In relation to self-build, in order to support prospective self-builders, policy HOU8 requires on sites of more than 200 dwellings developers will be expected to supply at least 1% of plots for sale to self/custom builders. The proposal includes the provision of 7 custom build flats within the outline part of the application (probably Plot F), which equates to around 1% of the total dwellings to be provided on the site at circa. 740 units. Given the flatted nature of the development, custom build is viewed as more appropriate as self-build would be impractical for a flat development.

8.136 Given the above, it is considered that the housing mix proposed is acceptable for plot C in particular, and the mix for the remaining outline part of the site will be considered as reserved matters applications are submitted for each plot. The introduction of C2 units to the outline part of the application would accord with the Council's objectives in policy HOU6 and would help meet the growing need for older persons accommodation.

Other Matters

Climate Change

- 8.137 Para. 164 of the NPPF outlines that new development should be planned in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
- 8.138 Policy CC2 in the District Plan requires all new developments to show how carbon dioxide emissions will be minimised taking into account of all levels of the energy hierarchy. Carbon reduction should be met on-site unless it can be demonstrated this is not feasible or viable. Policy WAT4 requires the efficient use of water resources by the incorporation of water saving measures and equipment, incorporation of grey water recycling and reducing water consumption to a target of 110 litres or less per head per day. Policy CC1 in the NP states that every development should contribute to reducing or lowering greenhouse gas emissions.
- 8.139 The Council adopted its Sustainability SPD in 2021, and this document aims to provide technical guidance on sustainable design and construction to improve the sustainability of new development. It covers the issues of design led approach, energy and carbon, climate change adaptation, water efficiency, pollution, sustainable transport, biodiversity and waste management. The SPD requires 31% improvement in carbon reduction compared with the Building Regulations.
- 8.140 The proposal is accompanied with an Energy Statement which sets out that the full application will achieve a 74.60% CO₂ reduction against Building Regulations Part L 2013, and for the outline application a 77.72% CO₂ reduction. The development is proposing to use electric air source heat pumps to provide space heating and domestic hot water for plots A6, A7, C and F. Solar panels will be installed on Plots A6, A7, D, E and F.
- 8.141 Turning to water consumption, the applicant has confirmed that sanitary ware flow rates have been selected to not exceed 110 litres per head per day. Plot D will incorporate a green roof and rainwater harvesting is proposed.
- 8.142 Taken together, the above measures demonstrate the proposal complies with the NPPF, policies CC2 and WAT4 in the District Plan and policy CC1 in the NP.

Hatfield Forest

- 8.143 Hatfield Forest is located approximately 4.5 miles to the east of the site and is a National Nature Reserve (NNR) and Site of Special Scientific Interest

(SSSI). The forest is regarded to be of international importance for its ancient wood pasture-forest habitats. This being the case the site is afforded protection under the Conservation of Habitats and Species Regulations 2017. Given Hatfield Forest's status as a SSSI, it is important to note the duty imposed on the Council by section 28G of the Wildlife and Countryside Act 1981 *to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.*

- 8.144 In exercising its statutory planning functions, there are other similar duties on the Council as imposed by the Natural Environment and Rural Communities Act 2006 (NERC Act) to consider what actions it can take for the conservation and enhancement of biodiversity.
- 8.145 The NPPF advises that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused. Development on land within or outside a SSSI and which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted. The only exception is where the benefits of the development in the location clearly outweigh the features of the site. Development resulting in the lessor deterioration of irreplaceable habitats such as ancient woodland should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.
- 8.146 Policy NE1 in the District Plan states that development proposals which are likely to have a detrimental impact which adversely affects the integrity of a designated site will not be permitted unless material considerations clearly outweigh the need to safeguard the nature conservation value of the site.
- 8.147 Natural England have commented on the application and say that the habitats at Hatfield Forest are vulnerable to recreational impacts and within recent years there has been concern regarding the number of visitors which is increasing and is linked to nearby residential development. Visitor surveys have allowed a Zone of Influence (ZOI) for recreational impact to be determined at 11.1km around the forest. Natural England state that new residential development within the ZOI is likely to damage the interest features of Hatfield Forest as a NNR & SSSI. A financial contribution of £63,450 has been requested to be put towards a mitigation strategy for the forest, which would include a package of measures to increase resilience of the ancient woodland to recreational pressures and for larger developments other on and off-site measures. In this case, Natural England have requested a sign posted circular dog walking route of around 2.3-2.5 km from the new development, which could potentially make of pedestrian links (PRoW) in the local area.

- 8.148 The applicant has agreed to pay in full the financial contribution requested above. As for a sign posted circular dog walk from the site, it is accepted that exercising a dog is very often a reason for people to visit outdoor spaces like Hatfield Forest. However, as a flatted development of C2 and C3 dwellings dog ownership is likely to be far lower than would be the case for houses. It is also of note that the extant planning permission on the site ref: 3/17/2588/OUT for 586 dwellings does not secure any contributions to Hatfield Forest or impose any requirement for a sign posted dog walk. Any occupants of the development who own a dog would be able to use the tow path and other public places in the local area to exercise their pets. For the above reasons, the requirement for a sign-posted dog walk is not necessary to make the development acceptable in planning terms and would not therefore comply with the national Planning Practice Guidance.
- 8.149 By securing the above contribution of £63,450, the Council would be complying with the requirements of the Wildlife and Countryside Act 1981, the NERC Act 2006, and the NPPF. The benefits of the development in the form of providing new housing and employment on an allocated site, in a sustainable location, and on previously developed land outweighs clearly any (minor) impact there would be on Hatfield Forest. Any harm which would result would be mitigated by the financial contribution secured.
- 8.150 The proposal also does provide on-site greenspace, particularly near to the millennium footbridge over the river. It is acknowledged that the requirements of the allocation policy BISH7, the shape of the site and on-site infrastructure requirements does limit the extent of green space proposed as part of the development. However, given the above constraints and the urban context of the site the level of greenspace proposed is acceptable.

Third Party Comments

- 8.151 The majority of comments made on the application have been addressed within the body of this report. In terms of other issues raised, they are addressed below.

The MSCP is underused, it is pointless to provide more.

- 8.152 It is a policy requirement of BISH7 that multistorey parking is provided, and there is compliance with the policy given that such a parking facility has been provided as part of the 2018 approval. Whilst the above comment is noted, travel patterns and the level of commuting over the next few years is somewhat uncertain. The level of parking proposed is reasonable given the location of the site and the various uses to be accommodated. The amount of car parking

provided within the car parking facility will be subject to further consideration and agreement with the Council.

Sextons Road should be open to all traffic.

8.153 Sextons Road will be open to buses, cyclists and pedestrians only, and this is primarily to encourage access to the station by sustainable means. For this reason, allowing all traffic to use Sextons Road as a through route would not be appropriate.

Has the application been scrutinised by the Design Review Panel?

8.154 The application has not been scrutinised by the Design Review Panel. However, the application follows the principles established in the Refined Masterplan which was endorsed by the Council, and was itself subject to design review.

Can the developer be required to clean and paint the millennium bridge.

8.155 The applicant does not own the millennium bridge, and its cleaning and painting is not required to make the application acceptable. Such a requirement would not therefore comply with government guidance on the imposition of conditions on a planning approval.

Should not be permitted until approved design & delivery of the new bus interchange.

8.156 As stated above, the bus interchange cannot be provided until the hotel is constructed on Block H, and the current target for completion is December 2027.

9.0 Planning Obligations

9.1 As stated above, the applicant will be required to enter into a S.106 planning obligation which will secure the contributions listed earlier in this report, and also the following matters:

- Car Club
- Commercial Floorspace Strategy
- Green Infrastructure Management Strategy
- Household Recycling Bins
- Viability Reassessment
- SuDS Management & Maintenance Scheme

- Travel Plan
- Fire Hydrants
- Bus Season Tickets
- Monitoring of Traffic levels (including the impact from Blocks A & B by updating the requirement from the previous permission)
- Sextons Road/Moreton Peto Road adoption road details (consolidated from previous permission).

10.0 Planning Balance and Conclusion

- 10.1 The site comprises previously development land, and is in a highly sustainable location adjacent to the town centre and railway station. As the land is allocated for residential development with other uses in the District Plan, there is significant policy support for the principle of this residential led mixed use development, which will bring many new homes and employment opportunities to Bishops Stortford. These factors are strong benefits of the proposal, particularly having regard to the overarching objective of boosting the supply of housing, and the presumption in favour of sustainable development as outlined in the NPPF.
- 10.2 The scheme would also make a valuable and significant contribution to the Council's supply of housing at a time when the authority cannot demonstrate a 5-year supply. Given local planning authorities are required by the NPPF to maintain a 5-year supply of housing, the provision of additional dwellings is a material consideration and is given significant weight in the consideration of the application. The 'tilted balance' as set out in para. 11 d of the NPPF is engaged, and the application should therefore be approved unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole.
- 10.3 In accordance with paragraph 11 d) ii) particular regard has been given in the assessment of the proposal to the key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes. The removal of surface car parking with appropriately designed buildings, green infrastructure, public realm improvements, play areas and improved public access to the river are also valuable benefits of the scheme. There would be an enhancement to the appearance of the site and no material harm has been identified regarding the design, size and siting of the development and the impact on nearby dwellings.
- 10.4 The concerns regarding the removal of the steps and replacement ramp have been considered carefully in accordance with Section 149 of the Equality Act 2010. At the application stage, officers have considered the impact of the proposed development on individuals with protected characteristics—

particularly in relation to age, disability (including reduced mobility), pregnancy and maternity, and other factors affecting access and movement. The proposed removal of the existing ramp and steps and their replacement with an access ramp and steps has direct implications for accessibility. Although the full details of the replacement ramp and steps will be submitted and assessed as part of a future reserved matters application, the principle of improved, inclusive access has been included in the proposal. Step-free access to the station will be retained throughout all phases of the development, thereby ensuring that individuals who rely on accessible routes—including older people, disabled persons, parents with pushchairs, and others—are not disadvantaged during the transition period. The proposed access considerations (at this part of the site) are currently a neutral factor in the planning balance as the detail of the replacement ramp (and works to remove the steps) are subject to consideration at reserved matters stages.

- 10.5 The development overall will result in a range of benefits to individuals with protected characteristics including the provision of homes, potential senior living accommodation (to meet age related accommodation needs), a small percentage of affordable homes, the provision of additional town centre uses in close proximity and access improvements for pedestrian and cyclists. Subject to conditions ensuring suitable design standards, adequate car park provisions and access provisions, it is considered that the Local Authority has given due regards to the public sector equality duty in coming to a recommendation on the proposals.
- 10.6 In applying the tests set out in the NPPF, the harm to nearby listed buildings and the Conservation Area would be at the lower end of less than substantial and would be clearly outweighed by the public benefits of providing new homes on previously developed land in a sustainable location.
- 10.7 The proposal includes tangible measures to encourage sustainable modes of transport such as a car club & free bus passes for new residents, travel plan, and appropriate provision for cycles. Whilst not all policy objectives are addressed with this proposal, there is broad compliance with the aspirations for the site, and the scheme is in line with the Refined Masterplan endorsed by the authority. Overall, the above factors are also benefits of the proposal.
- 10.8 The impact on the surrounding road network has not been found to be severe and given the advice in the NPPF the highway implications of the proposal are therefore acceptable. Residential parking levels are below the Council's parking standards, but this is viewed as being acceptable given the sustainable location of the site.
- 10.9 The provision of 24 shared ownership affordable dwellings is noted as a benefit of the scheme. However, at 5.67% of the proposed 423 new dwellings proposed

this is significantly below the policy requirement of 40%, notwithstanding that the severe viability issues with the development have been evidenced. The affordable housing provision across the whole site would drop to 11.79% (compared to the previous 19%). Overall, the low percentage of affordable housing, whilst justified by the applicant, does not comply with the required policy levels and, this tempers the benefits of the provision of housing overall.

10.10 In terms of flood risk, drainage, biodiversity and ecology the proposal has been found to make appropriate provision for the site and thus, these are neutral factors in the planning balance overall. The biodiversity net gain would be a limited benefit.

10.11 Drawing all of the above issues together, and in applying significant weight to the provision of new housing on an allocated sustainable site, it is considered there are no adverse impacts which significantly or demonstrably outweigh the benefits of the proposal. Even if the 'tilted balance' was not engaged, the benefits of the scheme outweigh any harm identified, and the proposal is viewed as being acceptable. Therefore, in accordance with the NPPF it is recommended the application is approved.

Policy Requirement	Response
The Goods Yard I. The Bishop's Stortford Town Centre Planning Framework will form the basis of a Supplementary Planning Document, which will be used to inform the masterplanning of this site.	<i>The Framework was prepared in 2016 which informed the preparation of the Goods Yard Masterplan was prepared in accordance with Part I of Policy BISH7 which was adopted in 2017 pursuant to the previous approved application, and 'refined' in 2022 to support the revised application. This has been used to inform the proposed plans on the wider site.</i>
II. The Goods Yard will provide for around 600 homes between 2017 and 2027, as part of a mixed use development including a significant amount of B1a office floorspace and small-scale retail provision and other community and leisure uses. Development of the site shall include:	<i>The Goods Yard could provide up to 746 dwellings including an element of up to 173 C2 (supported living) units of residential accommodation, B1a (now Class E) Office floorspace, small scale retail provision and other community and leisure uses across the wider site (including the parts which fall within the remit of this application). This application proposes (up to) a further 3,276 sqm of commercial floorspace. This adds to the 1,000 sqm flexible commercial floorspace constructed in Blocks A & B of the previous scheme and 491 sqm of health care provision in Block B.</i>
(a) a range of dwelling type and mix, in accordance with the provisions of Policy HOU1 (Type and Mix of	<i>The proposed mix of one bed, two bed and three bed apartments broadly follows the housing mix for Plots A & B which the</i>

<p>Housing), including residential apartments on the upper floors of commercial uses and 3-4 bed family homes;</p>	<p><i>Council found acceptable previously. The provision of 3-4 bed family homes is limited given the site does not lend itself to provide blocks which allow for individual private gardens and due to the level of car parking being limited.</i></p>
<p>(b) Affordable Housing in accordance with Policy HOU3 (Affordable Housing);</p>	<p><i>The proposal would deliver 11.79% affordable housing (24 units with this application and 64 provided in plots A & B) which is below the 40% required by the District Plan. While any affordable units are beneficial, the shortfall is significant. However, the applicant's effort to include some affordable housing despite financial challenges is noted positively.</i></p>
<p>(c) Self-Build and Custom Build Housing in accordance with Policy HOU8 (Self-Build and Custom Build Housing);</p>	<p><i>The proposal meets policy HOU8 by including 7 custom build flats within the outline part of the application (probably Plot F) which is around 1% of the planned 740 dwellings—supporting self/custom builders as required for large sites. Custom build is considered more suitable than self-build due to the impracticality of self-building flats.</i></p>
<p>(d) sustainable transport measures which encourage walking and cycling through the site and beyond, including: the provision of cycleways and footpaths that provide links through the site, connecting the river to the station, the station and the town centre via the Anchor Street Leisure Park and improved Station Road bridge, and to provide opportunities to cross the railway line; the creation of a new station forecourt that provides a safe and attractive public realm which facilitates the movement of people between various modes of transport; enhanced passenger transport services to the town centre and station, including the creation of a sustainable route through the site;</p>	<p><i>Sustainable transport measured secured by condition and the S106 are essential to offset the site's impact and make it acceptable in highway planning terms. The movement plan aligns with policy principles, providing pedestrian and cycle access across the site, including routes to the station, river, and between various plots.</i></p> <p><i>The sustainable route through the wider site (Sextons Road) has already been delivered and is not included as part of the proposed development.</i></p> <p><i>The enhancements to the bus interchange are subject to a separate planning application linked to the new hotel.</i></p>
<p>(e) high quality, vehicle-free public realm along the river frontage, enabling improved access to the town centre along the waterway. The orientation of buildings will retain an open riverside environment, facilitate views of local landmarks and provide a</p>	<p><i>The proposed development includes vehicle-free enhanced public realm along the river frontage with various access points between the new blocks. The enhanced public realm includes an improved tow path, children's play space, seating and planting.</i></p>

<p>direct route between the Goods Yard footbridge and the station;</p>	<p><i>The proposed blocks along the river have been orientated to retain an open environment with gaps which draw in the natural environment.</i></p> <p><i>The direct route between the footbridge and the station has already been secured under the extant permission and therefore does not form part of this proposal.</i></p>
<p>(f) landscaping and tree planting to reduce urban heat island effects, including retention and enhancement of the area of woodland to the south of the site; (g) improvements to the riverside environment in line with the River Stort Catchment Management Programme</p>	<p><i>In common with the extant permission, considering the shape of the site and on site infrastructure requirements, the proposal offers a sufficient level of landscaping and tree planting compliant with the River Stort Catchment Management Programme.</i></p>
<p>(h) high quality design which incorporates local material pallets and provides varying character and style across the site, incorporating sustainable design features;</p>	<p><i>Details of materials will be submitted for approval before each phase of the development. Sample boards and mock-ups of typical elevation sections will be constructed on site for Local authority inspection to ensure the external appearance of the development is satisfactory and does not detract from the local character.</i></p>
<p>(i) residential blocks which have access to private amenity green space, separate from parking areas;</p>	<p><i>All residential blocks will have access to areas of enhanced landscaping adjacent to the river, close to the station, and a landscaped walkway connecting the proposed development to the play area approved under the extant permission. Each dwelling also benefits from private amenity space in the form of terraces or balconies.</i></p>
<p>(j) multistorey parking which is appropriately screened and separated from residential buildings, ensuring homes have pleasant outlooks;</p>	<p><i>In relation to the wider provision of parking around the station, the existing MSCP approved under the previous hybrid application contains 401 spaces. There are also 373 surface parking spaces on the application site which will be removed when the site is developed, and the car park facility will provide up to 565 spaces, the exact number to be determined by further survey work and subject to the Council's approval.</i></p>
<p>(k) necessary utilities, including integrated communications infrastructure to facilitate home-working, and upgrades to the localised sewerage network;</p>	<p><i>The proposed development includes a substation to serve the needs of the proposal.</i></p>

<p>(l) the delivery of all other necessary on-site and appropriate off-site infrastructure;</p>	<p><i>Much of the necessary infrastructure has already been delivered under the extant permission across the wider Goods Yard site. Other elements are due to be delivered as part of the planning application for the hotel and bus interchange which is yet to be determined. As such there is little infrastructure associated with this planning application. Any extra off site works will be secured through S106 obligations.</i></p>
<p>(m) other policy provisions of the District Plan, Bishop's Stortford Town Council's Neighbourhood Plan for All Saints, Central, South and parts of Thorley Wards and relevant matters, as appropriate.</p>	<p><i>Other policies and provisions of wider plans are discussed in detail in the main body of this report.</i></p>
<p>III. On-site car parking will need to be sufficient to meet the needs of the uses proposed, without encouraging travel to the town centre in order to avoid worsening traffic congestion and further impact on the Hockerill Air Quality Management Area. Parking will need to be provided to serve the town centre as well as commuters.</p>	<p><i>The proposed development includes a residential car parking ratio of 0.5 spaces per dwelling. This is considered appropriate for this highly accessible town centre site and will encourage travel by more sustainable modes of transport, especially into the town centre such as walking and cycling.</i></p>
<p>IV. Site promoters must work with Hertfordshire County Council as the Highways and Transport Authority to undertake transport modelling to assess and provide suitable mitigation measures against vehicular congestion in the town centre.</p>	<p><i>The site promoters have agreed a series of conditions and S106 obligations with HCC Highways including a transport assessment which builds on transport modelling already undertaken as part of the extant permission to ensure suitable mitigation measures against vehicle congestion on the town centre.</i></p>

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out below and the satisfactory conclusion of a S.106 Planning Obligation as set out above:

Conditions

- 1 The part of this development for which full planning permission has been granted shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended) and to ensure the timely implementation of the development.

- 2 Details of the access, appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') for the outline part of this planning permission shall be submitted to and approved in writing by the Local Planning Authority before any development begins on the outline part of this planning permission and the development shall be carried out as approved.

Reason: To comply with the provisions of Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (As Amended).

- 3 Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of seven years from the date of this permission. The development hereby permitted in outline form shall be begun either before the expiration of seven years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters, whichever is the later.

Reason: To prevent the accumulation of unimplemented planning permissions, to comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

- 4 Prior to the commencement of the development hereby approved on the site, a site wide Phasing Plan (so that relevant phases can be determined in other conditions below) shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall set out the details of the proposed sequence of development across the entire site and the extent and location of individual development phases. The Phasing Plan shall include details and relative timescales of the provision of the following matters in relation to each Phase:
 - a. Major infrastructure including roads, footpaths and cycleways;
 - b. Areas for the servicing of buildings, loading, unloading and turning of servicing vehicles;
 - c. Green and landscaped spaces, including areas for play;
 - d. The location and timing of provision of temporary car parking provision associated with the railway station;
 - e. The location and timing of provision of temporary cycle parking provision associated with the railway station use;

- f. Measures to be implemented to ensure wayfinding for both occupiers of the site and for those travelling through it.

Once approved, the development shall be implemented in accordance with the approved Phasing Plan. No building shall be occupied until the phased infrastructure for that building has been implemented as approved.

Reason: To ensure proper management of the phasing of the development and the provision of relevant infrastructure at appropriate times throughout the development in the interests of the amenity of occupiers and users of the site and in accordance with the requirements of policy DEL1 of the East Herts District Plan.

- 5 No development within a relevant phase of the outline part of the permission shall commence until full details of that phase (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following on-site arrangements: i) roads; ii) footways and cycleways; iii) surface water drainage; iv) pedestrian and vehicle visibility splays; v) access arrangements; vi) parking provision; vii) loading areas; viii) turning areas. The development within a phase shall accord with the details approved for that phase.

Reason: To ensure that high standards of urban design and a comprehensively planned development are achieved in accordance with policy DES4 of the East Herts Local Plan 2018 and the NPPF.

- 6 No development within a relevant phase shall commence until a Construction Traffic Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the phase shall only be carried out in accordance with the approved Construction Traffic Management Plan. The Construction Traffic Management Plan shall include details of:
 - a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site (including, for the relevant phase, temporary pedestrian access from Station Road whilst the new ramp is installed);
 - c. Traffic management requirements;
 - d. Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;

- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site construction parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements; and
- k. where a phase includes the closure of existing station cycle parking and the provision of temporary station cycle parking, details of how these spaces will be managed.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

- 7 No development shall commence at Block A6 (defined in the Development Plot and Block Parameter Plan Drawing No.BSGY-PTE-ZZ-XX-DR-A-10002 Revision P05) until a detailed structural assessment is submitted to the Local Planning Authority for approval. The structural assessment shall demonstrate how Station Road will be upheld during the construction and operation of Block A6, and how ground water pressure will not build up behind. Block A6 shall be constructed in accordance with the details approved.

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).

- 9 Prior to the occupation of Block A6, all works between the carriageway edge on Station Road and the boundary of Block A6 must be constructed by the developer, as indicatively shown on Drawing No.MBSK230208-1 Revision P1. As shown on Drawing No.MBSK230208-1 Revision P1, the footway must extend to the top entrance of the ramp on Station Road. A dropped kerb, tactile paved crossing must also be provided across Station Road.

Reason: In order to enable inclusive mobility access to the site and station for both users of the site and neighbouring areas, in accordance

with Policies 1 & 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 10 Prior to the occupation of a relevant phase, a Servicing and Delivery Plan for that phase shall be submitted to and approved by the Local Planning Authority. The Servicing and Delivery Plan shall contain the delivery and servicing requirements (including refuse collection) for the proposed uses within that phase, how these requirements align with the train station land uses where relevant, a scheme for coordinating deliveries and servicing across the development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles associated with that phase, and access to / from the site for delivery and servicing vehicles associated with that phase. Servicing and deliveries to the site shall accord with the approved Servicing and Delivery Plan.

Reason: In the interest of maintaining highway efficiency and safety, in line with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 11 Any reserved matters application which includes the car parking facility (as outlined in the Phasing Plan, once approved), shall include a Car Parking Needs Assessment to support the level of car parking proposed at this important multimodal transport hub.

Reason: In the interests of highway safety and to ensure sufficient available on-site car parking and the provision of adequate 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 line with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 12 Prior to the commencement of the first phase of development (as outlined in the Phasing Plan, once approved), a site-wide Car Parking Management Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Plan shall include the following:

- a. Details of how existing commuter car parking spaces will be moved around the site;
- b. The number of commuter car parking spaces during the phase of development;
- c. Details of car parking allocation per land use and market/affordable split, and the space distribution;

- d. Details of the location and procurement of Car Club spaces, subject to monitoring, for up to 6 car club spaces and subsequent providers across the site;
- e. Methods to minimise on-street car parking;
- f. Management arrangements and enforcement measures to ensure that the parking spaces are available per land use and are not available for use for other purposes;
- g. Details of the allocation of disabled car parking spaces along Sextons Road;
- h. Signage proposals to manage car movements within the development;
- i. Details of the measures to prevent parking which obstructs the dropped kerbs that are required for carriageway refuse collection and servicing deliveries, and how the bin drag route from the bin stores will be kept clear from parked cars;
- j. Details of the allocation of parking permits and the scheme for the sale of permits;
- k. Scheme for the security and maintenance for the parking of cars.

Details relevant to subsequent phases of the development (as outline on the Phasing Plan, once approved) are to be set out indicatively.

Prior to the commencement of any subsequent phases of the development (as outline on the Phasing Plan, once approved), the Car Parking Management Plan shall be updated with reference to the items listed above in this condition, and submitted to and approved by the Local Planning Authority.

The Car Parking Management Plan shall be fully implemented as approved.

Reason: In the interests of highway safety and to ensure sufficient available on-site car parking and the provision of adequate 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 line with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 13 Any reserved matters application which includes the car parking facility (as outlined in the Phasing Plan, once approved), shall include a Car Parking Needs Assessment to support the level of commuter car parking proposed at this important multimodal transport hub.

Reason: In the interests of highway safety to ensure sufficient available on-site commuter car parking, and in the interest of encouraging the use

of sustainable modes of transport in line with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).”

- 14 All cycle parking within a relevant phase (as outline in the Phasing Plan, once approved) shall be provided as approved before that phase is first occupied or brought into use. Prior to the occupation of a relevant phase, a Cycle Parking Management Plan for all cycle parking within that phase shall be submitted to and approved in writing by the Local Planning Authority. The Cycle Parking Management Plan shall include the following:
- a. A scheme for the security for all cycle parking. The scheme must avoid allowing all residents of the development to access all bike stores within the development (including all parts of the Block C bike store).
 - b. A scheme for the maintenance for all cycle parking.

The Cycle Parking Management Plan for a relevant phase shall be fully implemented before that phase is first occupied or brought into use.

Reason: In the interests of highway safety and to ensure sufficient 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 line with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 15 Part A: Any reserved matters application which includes the existing and / or new station cycle parking (as outlined in the Phasing Plan, once approved), shall include details of the location, number and type of cycle parking to be provided. The new station cycle parking shall be installed and brought into use within 3 months of the existing station cycle parking being removed. Details of the parking provision for wider cycles / mobility impaired must be provided. The cycle parking must be designed in line with the standards contained in the DfT's LTN1/20 Chapter 11 and must include the number and type of stands, the location, and security measures.

Part B: Between the removal of the existing station cycle parking and the installation of the new station cycle parking, temporary station cycle parking must be provided on site. Details of the number and specification of temporary station cycle stands must be submitted to the Local Planning Authority for written approval prior to the removal of the existing station cycle parking.

Reason: In the interests of highway safety and to ensure sufficient 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 line with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 16 As part of the submission of any relevant reserved matters application relating to the outline part of the site, there shall be submitted details of the provision to be made for the custom-build plot, including the timing of that provision. Once agreed as part of the reserved matters approval, the plot identified for custom-build purposes shall be made available for that use in accordance with the agreed timescale.

Reason: In order to ensure that appropriate provision is made in accordance with policy HOU8 of the East Herts District Plan.

- 18 Prior to the commencement of the construction of any building within any relevant Phase of the development hereby approved (as outlined in the Phasing Plan, once approved), swept path assessment drawings shall be submitted to be approved in writing by the Local Planning Authority. The swept path assessment drawings should be provided for the following:
- a. Car Parking Facility: to demonstrate that vehicles can safely manoeuvre within and enter and depart in a forward gear;
 - b. Car Parking Facility: to demonstrate that vehicles can safely manoeuvre into and out of all car parking spaces. These should be provided for the more difficult to access space (i.e. corner spaces, spaces adjacent to ramps, etc.);
 - c. Residential or other car parks: to demonstrate that vehicles can safely manoeuvre within and enter and depart in a forward gear;
 - d. Residential or other car parks: to demonstrate that vehicles can safely manoeuvre into and out of all car parking spaces. These should be provided for the more difficult to access space (i.e. corner spaces, spaces adjacent to ramps, etc.);
 - e. On-street parking or laybys: to demonstrate that when vehicles are parking in on-street parking bays or laybys that the traffic, in particular buses, can utilise the highway without obstruction;
 - f. For HGV and Refuse Vehicles, for the junctions of the new roadway which will be created between the current southern terminus of Anchor Street and the north-south road through the site between Station Road/ Dane Street (to the north) and London Road (to the south).

The development shall accord with the details approved.

Reason: In the interest of maintaining highway efficiency and safety in accordance with policy TRA2 of the East Herts District Plan.

- 19 Any reserved matters application which includes the connection between the tow path running alongside the River Stort and its junction at London Road (as outlined in the Phasing Plan, once approved), shall include details of the improvements to be made to the connection between the tow path running alongside the River Stort and its junction at London Road. Once approved, the access improvements shall be implemented as approved and shall thereafter be made available for use in perpetuity.

Reason: In order to ensure that the development results in the improvement to foot and cycle routes connecting to and in the vicinity of the site in the interests of encouraging sustainable modes of transport and in accordance with policy TRA1 of the East Herts District Plan.

- 20 No dwelling shall be occupied until a timetable for the implementation of the mitigation measures as set out in the Air Quality Assessment by Wardell Armstrong dated May 2023 namely free bus travel and car club for residents has been submitted to and approved by the Local Planning Authority. The measures shall be implemented and retained in accordance with the approved details.

Reason

In order to promote sustainable transport in the district in accordance with, to minimise air quality impact at the design stage, to incorporate high quality innovative design, new technologies and construction techniques including zero or low carbon energy, in accordance with policies TRA1, EQ4 and DES4 of the adopted East Herts District Plan 2018.

- 21 Prior to the commencement of each phase of the development hereby approved, (as outlined in the Phasing Plan, once approved) a detailed Site Waste Management Plan for the phase shall be submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan shall set out the following:
- a) Details of waste arising during both the site preparation, demolition and construction phases;
 - b) Definition of the waste types;
 - c) Whether waste is to be reused on the site or disposed from it, and the volumes being dealt with in these ways and the timing of waste disposal from the site;

- d) Where waste is being transported to, together with details of the waste carrier;
- e) The total volumes of waste created during enabling and construction works.

Once approved, the construction shall take place in accordance with the approved Site Waste Management Plan.

Reason: In order to ensure that the development proceeds in accordance with the requirements of policies 1, 2 and 12 of the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012.

- 22 Prior to the commencement of each phase of the development hereby approved, (as outlined in the Phasing Plan, once approved) there shall be submitted to and approved in writing by the Local Planning Authority a Construction Training Plan relevant to the Phase. The Construction Training Plan shall include details of the following:

- a) The anticipated number of construction job opportunities;
- b) A scheme for the recruitment of local people during the construction period;
- c) A scheme for the promotion of apprenticeships and work experience for local people during the construction period;
- d) Training initiatives for employees at local colleges during the construction period;
- e) Arrangements that will be put in place to ensure that the Construction Training Plan is implemented and monitored.

Once approved, the development shall be carried out in accordance with the approved Construction Training Plan.

Reason: To secure the opportunities available to help people into work and contribute to the economic and social sustainability of the development in accordance with the policy set out in the National Planning Policy Framework.

- 23 All site demolition, site preparation, construction works, and the delivery of materials to and removal of waste from the site shall only take place between the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays or Public Holidays.

All waste materials and rubbish associated with site preparation, demolition or construction shall be contained on site in appropriate

containers which, when full, should be promptly removed to a licensed disposal site.

Reason: To safeguard the amenity of the occupants of neighbouring and surrounding residential and commercial properties in accordance with policy DES4 of the East Herts District Plan.

- 24 No development within a relevant phase shall take place until a Landscape and Ecological Management Plan for that phase, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) within that phase, has been submitted to, and approved in writing by, the local planning authority. The Landscape and Ecological Management Plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements (where applicable for a relevant phase):
- a) details of any new habitat created on-site. (e.g. the swales and coir roll installation. Include diagrams and cross sections.)
 - b) planting schemes detailing plant species. (Native plant species of UK origin suited to the conditions on site should be selected.)
 - c) details of maintenance regimes (e.g. mowing regimes/desilting of the swales.)
 - d) details of treatment of site boundaries and/or buffers around water bodies.
(Layout of the buffer zone including location of infrastructure, footpaths and lighting.)
 - e) design and location of the surface water outfalls.
 - f) details of management responsibilities. (e.g. who bears the financial commitment for the maintenance of the habitat and a named body responsible for management.)
 - g) details, to include the model and siting of the provision of house martin cups, swift and bat bricks (to ensure a total of at least 54 house martin cups, 54 swift bricks, and 100 integrated bat bricks for the whole site) The approved cups, bricks and boxes shall be installed before any part of the roof (where applicable for a relevant phase) is constructed, which includes the fitting of any cappings or copings, roof ties, roof trusses or rafters according to construction method
 - h) details of enhancements for hedgehogs and invertebrates
 - i) water vole mitigation strategy

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted policies NE2 & NE3 of the East Herts District Plan 2018 which state that development should seek to protect and enhance biodiversity, with particular focus on improving ecological connectivity and highlights the importance of maintaining a buffer zone of quality habitat around water courses.

- 25 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified all previous uses, the potential contaminants associated with those uses and a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) providing information for a detailed assessment of risk to all receptors that may be affected, including those off-site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with section 11 of the NPPF and in order to protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EQ1 & WAT3 of the East Herts District Plan. **Note *The information provided to date (Phase 1 Preliminary Risk Assessment, rev. 01, dated 08/02/2023, prepared by AECOM) is sufficient to satisfy part 1 of the above condition.***

- 26 Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the

approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with section 11 of the NPPF and in order to protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EQ1 & WAT3 of the East Herts District Plan.

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

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with section 11 of the NPPF and in order to protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EQ1 & WAT3 of the East Herts District Plan.

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

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with section 11 of the NPPF and in order to protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EQ1 & WAT3 of the East Herts District Plan.

- 29 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an

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

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants and to accord with paragraph 189 of the National Planning Policy Framework and policy WAT3 of the East Herts District Plan.

- 30 Piling and/or other foundation designs using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm groundwater resources to comply with paragraph 189 of the National Planning Policy Framework and policy WAT3 of the East Herts District Plan.

- 31 A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes as part of this permission shall be submitted to and approved in writing by the Local Planning Authority prior to any borehole works commencing. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme shall be implemented as approved.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies to comply with paragraph 189 of the National Planning Policy Framework and policy WAT3 of the East Herts District Plan.

- 32 No development shall take place until a scheme and programme of measures for the suppression of dust have been submitted to and approved by the local planning authority. The scheme shall include *inter alia*, the suppression of dust caused by the moving and storage of soil and overburden, stone and other material, dust suppression on haul roads including speed limits, provision for monitoring and review of the scheme, and details of complaint management and response. The development shall be implemented in accordance with the dust suppression measures approved.

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

- 33 No development shall take place on any Phase of the development hereby approved (as outlined in the Phasing Plan, once approved) until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The archaeological investigation works shall be carried out as such. This condition will only be considered to be discharged when the Local Planning Authority has received and approved an archaeological verification 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 of any archaeological remains in accordance with policy HA3 of the East Herts District Plan.

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

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

- 35 Prior to the commencement of any Phase of the development adjacent to the river Stort as hereby approved (as outlined in the Phasing Plan, once approved) there shall be submitted to and approved in writing by the Local Planning authority, a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the river Stort. Once approved, the development of the relevant Phase or Phases shall be carried out in accordance with the Risk Assessment and Method Statement.

Reason: To ensure, prior to any works adjacent to the river Stort commencing, that the proposed works do not have any adverse impact on the safety of waterway users and the integrity of the navigation in accordance with WAT3 of the East Herts District.

- 36 Prior to the commencement of each Phase of the development hereby approved (as outlined in the Phasing Plan, once approved) a Foul Water Strategy for that Phase shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in accordance with the approved details.

Reason: In order to ensure that appropriate infrastructure is provided in accordance with policies WAT6 and DEL1 of the East Herts District Plan.

- 37 Prior to the commencement of each Phase of the development hereby approved (as outlined in the Phasing Plan, once approved) (or where specifically indicated below, prior to the installation) and notwithstanding the details shown on the plans and documents hereby approved, the following shall be undertaken or submitted (as appropriate) to and approved in writing by the Local Planning Authority for that phase:
- a) The preparation of a sample board of all proposed facing materials (minimum 2 metres square) to be constructed on site for the Local Planning Authority to inspect. Thereafter it shall be retained on site until the completion of the relevant Phase of development.
 - b) The preparation of a mock-up of typical elevation sections (true to scale) to include window frames, ventilation screens, brickwork, ceramic panels, terracotta panels and metal louvers
 - c) Drawings showing façade design and detailing @ 1:20 and 1:5 scale (prior to installation)
 - d) Drawings showing details of all ground floor frontages including entrance doorways, canopies, soffits, lighting and areas allocated for signage @ 1:20 and 1:5 scales (prior to installation)
 - e) Details of the specification of all typical windows including reveals, spandrels, flashing and frame thickness (prior to installation)
 - f) Drawings showing details of terraces and typical balcony details: materials, proportions and positioning at 1:20 and 1:5 scale. (prior to installation)

Once details and materials have been approved, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory and does not detract from the character and visual amenity of the area in accordance with policy DES4 of the East Herts District Plan.

- 38 No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the external elevations of the buildings other than as shown on the drawings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory and does not detract from the character and visual amenity of the area in accordance with policy DES4 of the East Herts District Plan.

- 39 No satellite dishes/TV aerials or other attachments shall be fixed to the external elevations of the buildings other than as shown on the drawings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory and does not detract from the character and visual amenity of the area in accordance with policy DES4 of the East Herts District Plan.

- 40 Prior to their installation details of any communal satellite dish/dishes shall be provided to and approved in writing by the Local Planning Authority. Once approved they shall be installed as such and removed when no longer in use.

Reason: To ensure that the external appearance of the development is satisfactory and does not detract from the character and visual amenity of the area in accordance with policy DES4 of the East Herts District Plan.

- 41 Prior to the occupation of any Phase of the development hereby approved (as outlined in the Phasing Plan, as approved) there shall be submitted to and approved in writing by the Local Planning Authority an External Lighting Strategy. The External Lighting Strategy shall set out the general distribution and design guidelines for all lighting installations in the development including in all public areas, and information about potential light spill on to any surrounding areas including watercourses. Once approved, the development shall be carried out and retained in accordance with the approved External Lighting Strategy.

Reason : To ensure that the external appearance of the development is satisfactory and does not detract from the character and visual amenity of the area in accordance with policy DES4 of the East Herts District Plan or the residential amenity of nearby occupiers.

- 42 Prior to the occupation of any commercial unit within the development hereby approved involved in the preparation and sale of food and drink, and prior to the installation of any equipment relating to odour control, full details of the method of odour abatement and all odour abatement equipment to be used, including predicted noise levels of the equipment in operation, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, any equipment shall be installed as such and shall be in full working order prior to the use commencing. Thereafter any equipment shall be retained and effectively operated for so long as any commercial food use continues.

Reason: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of nearby residents in accordance with policy DES4 of the East Herts District Plan.

- 43 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or any subsequent Order, Blocks A6 & A7 hereby approved for Class E use (as defined by the Town and Country Planning (Use Classes) Order 1987 as amended or any subsequent Order) shall only be used for Class E use unless planning approval is granted for any alternative use.
Reason: In order to maintain control over the nature and extent of commercial development at the site in the interests of the vibrancy of the development in accordance with policies BISH7, BIS11 and BIS12 of the East Herts District Plan and policy DES4 of the East Herts District Plan.

- 44 All residential units on the site shall be designed and fitted to achieve the water conservation standard of the use of not more than 110 litres of water per person per day.

Reason: To ensure that the development, which lies in an area of water shortage, makes the most efficient use of water and incorporates water conservation measures to create a sustainable form of development in accordance with policy WAT4 of the East Herts District Plan.

- 45 Prior to the commencement of each Phase of the development hereby approved (as outlined in the Phasing Plan, once approved) there shall be submitted to and approved in writing by the Local Planning Authority an Energy and Building Sustainability Strategy. The Energy and Building Sustainability Strategy shall set out the following:

a) Where applicable details of the design and installation of all thermal energy installations, taking into account the best practice requirements of CIBSE CP1 Heat Networks: Code of Practice for the UK;

- b) For the outline element of the application results of an overheating analysis conducted, as appropriate, in accordance with CIBSE TM52 The limits of thermal comfort: Avoiding overheating in European Buildings and CIBSE TM59 Design methodology for the assessment of overheating risk in homes and measures to be taken to mitigate any unacceptable outcomes identified as a result of the analysis;
- c) Details of the initial (12 months) maintenance of plant installations, including seasonal commissioning and plant optimisation
- d) A statement detailing the arrangements to ensure coordinated and phased hand over of maintenance and operation of plant installations to subsequent operators;
- e) Details of quality standards for the outline element of the application, commercial and residential buildings (such as the BREEAM rating and/or Home Quality Mark) against which completed units are to be assessed and the outcome of that assessment.

The development shall accord with the strategy approved.

Reason: To ensure the implementation of appropriate energy measures in accordance with policies CC1 and CC2 of the East Herts District Plan.

- 46 Prior to the occupation of any residential or commercial/ retail/ business units within any building, all refuse storage areas associated with that building shall have been provided and made available for use. Once available they shall be retained in that use thereafter in perpetuity.

Reason: To ensure that adequate provision is made within the development for the storage of refuse in accordance with policy DES4 of the East Herts District Plan.

- 47 Prior to the commencement of construction of any building within a Phase of the development hereby approved (as outline in the Phasing Plan, once approved) details of the measures to facilitate the provision of high-speed broadband internet connections to the development 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 and commercial unit. Once approved, high speed broadband infrastructure shall be implemented thereafter in accordance with the approved details and made available for use prior to first occupation of the residential and commercial development to which it relates.

Reason: In order to ensure the provision of appropriate infrastructure to support the future sustainability of the development in accordance with policy BISH7 of the East Herts District Plan.

- 48 Prior to the occupation of any building within a Phase of the development hereby approved (as outlined in the Phasing Plan, once approved), a CCTV Plan shall be submitted to and approved in writing by the Local Planning Authority. The CCTV Plan shall show the model, location, height and surveillance area of all CCTV cameras to be installed and the means of monitoring of the CCTV installations within that Phase. Once approved, CCTV provision will be installed and monitored in full accordance with the approved CCTV Plan and be operational prior to the first occupation of any building within the Phase to which it relates.

Reason: To ensure the provision of appropriate security infrastructure in accordance with policy DES5 of the East Herts District Plan.

- 49 The development shall achieve Secure by Design standards, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure that the development does not result in an increase in crime and anti-social behaviour and in order to meet the requirements policy DES5 of the East Herts District Plan.

- 50 No more than 75% of the residential units in any building containing residential units shall be occupied until residential and any other landscaped gardens, green spaces and play areas associated with that building as set out in the Phasing Plan (once approved) have been fully provided.

Reason: To ensure that landscaped gardens, other spaces and play facilities are provided within the development to an appropriate standard and at the time the demand for them arises, in accordance with policies CFLR1 and CFLR9 of the East Herts District Plan.

- 51 Prior to the occupation of any Phase of the development hereby approved (as outlined in the Phasing Plan, once approved) (excluding demolition, excavation and site preparation) a Landscape Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall set out the long-term design objectives, management responsibilities and maintenance schedules for all landscape areas and detailed arrangements in relation to:

- a) Proposed finished levels or contours;
- b) Positions, design, materials and type of boundary treatment to be erected;

- c) Details of the arrangements to control access between private residential gardens and public spaces;
 - d) Hard surfacing materials;
 - e) Minor artefacts and structures (e.g. street furniture, refuse or other storage units and signs);
- Soft landscape details shall include:
- f) Planting plans including positions for all tree, hedge and shrub planting;
 - g) Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - h) Schedules of plants, noting species, planting sizes and proposed numbers;
 - i) Densities of planting where appropriate; and
 - j) Implementation timetables including time of planting.

The landscaping details shall be carried out as approved and shall be maintained as such in accordance with the approved details.

If, within a period of five years from the date of the planting of any tree approved as part of the landscaping details approved, or any tree planted in replacement for it, that tree is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written approval to any variation.

Reason: To ensure that the landscaped features of this development are provided and maintained in the interests of the appearance of the site and area and in accordance with policy DES4 of the East Herts District Plan.

- 52 If surface water run-off and ground water is proposed to drain into the river Stort waterway, details of the proposed arrangements shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Canal & River Trust, prior to the commencement of the development. The details will require the following to be achieved:
- a) No discharge of collected rainwater, rainwater run-off or extracted groundwater/perched water from dewatering works etc to the river Stort during construction works:

- b) That any outfall connecting the site with the river Stort, or any locations where waters from the site could enter the surface water drainage system, should be sealed prior to the demolition and construction phase:
- c) That the proposed SUDs system (including the pond and ditch) should be laid in uncontaminated soil and be made of materials through which the identified contaminants (at the concentrations detected in the groundwater) cannot migrate.

Once approved, the agreed details shall thereafter be implemented as such.

Reason: To determine the potential for pollution of the waterway and likely volume of water, to safeguard the waterway environment, to safeguard the integrity of the waterway infrastructure and in accordance with policy WAT3 of the East Herts District Plan.

- 53 Any reserved matters application for Plots D, E & F and the full application for block A6 and C shall be accompanied by a Fire Statement if it proposes a 'relevant building' as defined by section 9A of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason: In order to ensure the consideration of fire safety matters as they relate to land use planning are incorporated at the planning stage for schemes involving a relevant high-rise residential building.

- 54 Prior to the erection of above ground superstructure of a building within a relevant phase, details shall be submitted to and approved in writing by the Local Planning Authority, of the sound insulation of the wall & floor / ceiling separating the commercial part(s) from the dwellings within the building. Once these details are agreed they shall be installed prior to first use of the commercial units and retained in the approved form thereafter. The scheme of works shall be capable of restricting noise breakout from commercial units to adjoining residential units to levels complying with the following:

- Bedrooms. Noise Rating Curve NR20 (2300 to 0700 hrs)
- Living Rooms. Noise Rating Curve NR25 (0700 to 2300 hrs)

The Noise Rating Curve shall be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 Hz to 8 kHz.

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

- 55 Prior to erection of above ground superstructure of a building within a relevant phase, a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority as necessary to achieve the 'good' internal room and external space amenity noise standards for that building in accordance with the criteria of BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings'. This must include an overall façade sound insulation (ie. Walls+glazing+vents opening) of at least 35dB(A) for living rooms and bedrooms facing the sidings, to protect from potential external noise at the sidings as per Wardell Armstrong Technical Note dated 19th January 2023. The approved details shall be implemented prior to first occupation of the building and thereafter be permanently retained.

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

- 56 Prior to occupation of a building, a post-completion noise assessment for that building shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the building envelope achieves an adequate level of protection in order to achieve the 'good' internal room and external space amenity noise standards in accordance with the criteria of BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings'. These levels must also be met whilst taking any building services/ equipment into account.

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

- 57 Prior to commencement of above ground superstructure of a building within a relevant phase, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority demonstrating the following:

- The cumulative noise rating level of all proposed air source heat pumps does not exceed 35dBA at the nearest or most-affected existing neighbouring habitable room window or door.
- The noise rating level of any given air source heat pump must not exceed the requirement of the MCS-020 at the most-affected proposed neighbouring habitable room window or door.

Rating levels for existing dwellings must be inclusive of any penalty for tonality, intermittency, impulsivity or other distinctive acoustic characteristics with equipment operating at maximum capacity in order to prevent any adverse impact. If tonality cannot be demonstrated through subjective or objective methodologies, a 6dB tonality penalty shall be applied.

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

- 58 The rating level of noise emitted from all external fixed plant and equipment at the development hereby approved shall not exceed 10dB below the background noise level when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurements and assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive premises, with all plant / equipment operating together at maximum capacity and inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics.

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

- 59 Prior to the commencement of any works within 5 metres of the bank of the river Stort, a further Water Vole Survey shall be undertaken and submitted to the Local Planning Authority for its approval. If no evidence of water vole activity is identified within working zones, details of a precautionary working method shall be submitted to the Local Planning Authority for its approval. If water vole activity is identified an updated mitigation strategy shall be submitted to the Local Planning Authority for its approval. The precautionary working method or mitigation strategy as appropriate shall be implemented as approved.

Reason: In order that any water voles and their habitat are protect, and to accord with policy NE3 if the East Herts District Plan and the NPPF.

- 60 Prior to the occupation of development within each Phase of the development hereby approved (as outlined in the Phasing Plan, once approved), details of a revised metric to demonstrate a biodiversity net gain for the site as a whole shall be submitted to the Local Planning Authority for its approval. The details will need to show which of the suggested proposals are being adopted or how the net gain in accordance with trading rules will otherwise be achieved. Metric version 3.1 Version 2.2 should be used for any reserved matters applications, as well as full supporting information including maps and condition sheets. If the swales are going to be considered as linear habitat, then it must be demonstrated that they are capable of holding the required level of permanent water and will be able to provide both their water drainage and biodiversity function over 30 years. Surveys of supporting metrics should be carried out within the optimum botanical period. The details shall be implemented as approved.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted policy NE2 and NE3 of the East Herts District Plan 2018 which state that development should seek to protect and enhance biodiversity, with particular focus on improving ecological connectivity and highlights the importance of maintaining a buffer zone of quality habitat around water courses.

- 61 The development hereby approved in the detailed drawings and outline parameters shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

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

- 62 Prior to the commencement of the full part of the hybrid permission, or concurrently with the submission of the first reserved matters application relating to the outline part of the hybrid permission, a detailed design shall be submitted to the Local Planning Authority for written approval, in consultation with the Lead Local Flood Authority, for any proposed watercourse alteration that demonstrates the design is in accordance with the outline design as detailed in the Hydraulic Modelling by JBA Consulting dated February 2024 Section 6 and the Land Drainage Act 1991 ensuring discharge rates are not increased from existing. Details

submitted for any proposed watercourse alteration must demonstrate there is adequate space for the watercourse to be naturalised and enhanced, that flood risk is suitably managed for all storms up to and include the 1 in 100 (1%) Annual Exceedance Probability plus 40% climate change, that exceedance events of the channels do not impact the proposed development and that the watercourse and its exceedance routes are easily maintainable and accessible. The details shall include long sections and cross sections of the proposed watercourses including details of any proposed crossings or culverts. The watercourse alteration shall be constructed in accordance with the approved plans and constructed prior to the occupation of 50% of the residential dwellings within the relevant phase.

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.

- 63 Prior to, or concurrently with the submission of any reserved matters applications for a relevant phase, a detailed surface water drainage scheme for that phase shall be submitted to the Local Planning Authority for written approval, which shall include:
- i. Detailed drawings and hydraulic calculations demonstrating the incorporation of above ground source control features that meet the four pillars of SuDS;
 - ii. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features and any interaction with the surface water flow route; and
 - iii. The calculations shall demonstrate that critical storm duration will be limited to the runoff rate for all rainfall events, including those with a 1 in 100 (plus 40% climate change) annual probability of occurrence as set out in report undertaken by Elliot Wood dated 19/02/2025 (report number 2200384 P6).
 - iv. Ensuring no above ground flooding occurs up to and including the 1 in 100 (1%) plus 40% climate change critical storm event.

The detailed design shall include:

- v. construction drawings of the surface water drainage network;
- vi. associated sustainable drainage components; and
- vii. flow control mechanisms;

The drainage scheme for a given phase shall then be constructed in accordance with the approved drawings, method statement and hydraulic modelling calculations prior to the first occupation or use of that phase of development hereby approved, and retained thereafter. No

alterations to the approved drainage scheme shall occur without prior written approval of the Local Planning Authority.

Reason: To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging on the application site or those surrounding it.

- 64 Development of a relevant phase shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction of that phase 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. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided. The site works and construction shall thereafter be carried out in accordance with approved method statement unless alternative measures have been subsequently approved by the Local Planning Authority.

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.

- 65 Construction of a relevant phase shall not begin until a detailed construction phase surface water management plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include details for the construction of each SuDS component within that phase as well as how they are to be protected from silt and debris during construction. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected.

- 66 The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme 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.

- 67 All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (19/02/2025), this includes all new residential dwellings to have a finished floor level raised a minimum of 150mm above any design flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF.

- 68 Prior to the commencement of development of a relevant phase, details of any fencing to be located within the surface water flow route of that phase, as demonstrated in the hydraulic modelling report completed by JBA dated February 2024, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. These details shall ensure the flow path is not obstructed and the base of any fencing shall be raised 300mm above the surface water flood level to allow the free flow of surface water through the site to ensure flood risk is not increased elsewhere. No alteration to the approved fencing shall occur without prior written approval of the Local Planning Authority, in consultation with the Lead Local Flood Authority. The fencing shall be carried out in accordance with the approved details and retained thereafter in perpetuity.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF.

- 69 Concurrently with the submission of any reserved matters application that includes Block F, full details of the proposed void under Block F as shown within the approved Flood Risk Assessment (by Elliot wood and dated 19/02/2025) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. These details shall demonstrate surface water can flow freely and unobstructed through this area with the base of the finished floor slab a minimum of 150mm above the 1 in 100 (1%) plus 40% climate change surface water flood level.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF.

- 70 Prior to, or concurrently with the submission of any reserved matters applications for a relevant phase, details shall be submitted that demonstrate all buildings within that phase have safe access and egress which involves the unrestricted, free and voluntary movement for all users both by foot and vehicle, up to the 1 in 100 (1%) plus 40% climate change surface water flood event and evacuation for the more extreme event (greater than a 1 in 1000 (0.1%) AEP) from all sources of flooding. Prior to the first occupation of any building, a Flood Emergency Plan for that building, in accordance with the ADEPT/EA guidance 'Flood Risk Emergency Plans for New Development, shall be submitted to and approved in writing by the Local Planning Authority with appropriate signage included throughout the development and kept in perpetuity.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF

- 71 Prior to the commencement of a relevant phase, details of all flood resilient and resistant measures shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall then be installed and maintained in perpetuity.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF.

- 73 Upon completion of the surface water drainage system within a relevant phase, including any SuDS features, and prior to the first use of that phase of the development, a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system within that phase has been

constructed in accordance with the details approved pursuant to Condition [2]. Where necessary, details of corrective work to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF.

- 74 Prior to the commencement of development of a phase within the full part of the planning permission, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms, and a construction method statement for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the drawings and method statement approved as part of this condition, as well as the Flood Risk Assessment and Drainage Strategy (by Elliot Wood and dated 19/02/2025). The scheme shall remain 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 Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF.

Informatives

1. East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.

2. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

3. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.

4. This planning permission is also subject to a Planning Obligation under S106 of the Town and Country Planning Act 1990 (as amended).

5. Considering the previous use of the site and the shallow groundwater levels, surface water disposal via infiltration into the ground is not a recommended solution. The Environment Agency advise the applicant to follow our guidance - The Environment Agency's approach to groundwater protection. This is a report that highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. The design of the drainage systems should be in line with G1, G9, G12 and G13 position statements
<https://www.gov.uk/government/publications/groundwater-protection-position-statements>

The following points should be noted whenever soakaways and other infiltration systems are proposed at a site:

- o Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hard standings and car parks.
- o Clean uncontaminated roof water should drain directly to soakaways/ infiltration systems entering after any pollution prevention methods.
- o No infiltration systems should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
- o There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of infiltration systems and the water table.

6. Some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution. A piling risk assessment and appropriate mitigation measures should be submitted with consideration of the EA guidance. During piling works (especially if the piles extend to the Chalk within SPZ1 saturated zone) due to the proximity of nearby potable abstractions the weekly groundwater monitoring for in situ parameters and turbidity should be considered. The following guidance documents can be useful in preparing a piling risk assessment:

- o 'Piling and Penetrative Ground Improvement Methods on Land Affected By Contamination: Guidance on Pollution Prevention', NGWCL Centre Project NC/99/73

- o 'Piling into Contaminated Sites'

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf>

7. The Environment Agency recommend that developers should: Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed Refer to the contaminated land pages on gov.uk for more information

8. The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste.

Under the Code of Practice:

1. excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
2. treated materials can be transferred between sites as part of a hub and cluster project
3. some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to the position statement on the Definition of Waste: Development Industry Code of Practice and the waste management page on GOV.UK

9. Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- o Duty of Care Regulations 1991
- o Hazardous Waste (England and Wales) Regulations 2005
- o Environmental Permitting (England and Wales) Regulations 2016
- o The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

10. The Environment Agency would like to remind the applicant that, in the absence of an alternative agreement or special transference of liability or contract, the owner of the asset remains responsible for the asset. The risk remains with the asset owner and this response does not remove any of this liability from the owner or contractually responsible party.

Riparian responsibilities

As River Stort runs within the red line boundary, it is likely that you own a stretch of watercourse. This means you have riparian responsibilities. Responsibilities include (but are not limited to) the maintenance of the river at this location including the riverbank. Further information on this can be found here: <https://www.gov.uk/guidance/owning-a-watercourse>

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- o on or within 8 metres of a main river
- o on or within 8 metres of a flood defence structure or culvert
- o involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert in a floodplain more than 8 metres from the river bank, culvert or flood defence structure and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Note

We are pleased to see an access route for the river during emergency. Please contact HNL-APTENQUIRIES@environment-agency.gov.uk in order to organise any emergency plans which may be needed.

11. Although the Environment Agency have no objections to the proposed development, the developer may wish to include measures to mitigate the impact of more extreme future flood events. Measures could include raising ground or finished floor levels and/or incorporating flood proofing measures.

Further guidance on preparing properties for flooding can be found at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>.

Chalk river

The proposal is adjacent to a chalk river and therefore may be prone to groundwater flooding. We do not normally comment on issues about groundwater flooding; however we deem this proposal at potential risk from groundwater flooding and therefore ask the LPA to review this risk before granting this development. The LLFA is the lead for groundwater flood risk.

12. Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

The EA endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

All new residential development is required to achieve a water consumption limit of a maximum of 125 litres per person per day as set out within the Building Regulations &c. (Amendment) Regulations 2015.

However, we recommend that in areas of serious water stress (as identified in our report Water stressed areas - final classification) a higher standard of a maximum of 110 litres per person per day is applied. This standard or higher may already be a requirement of the local planning authority.

13. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

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

14. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and

requirements before construction works commence. Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

15 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.

16 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.

17 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>

18 A Travel Plan (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>

19 The applicant/developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained(<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-ourproperty- and our-code-of-practice>)

20. The Lighting Scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2021 (or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential light pollution and nuisance.