

## DEVELOPMENT MANAGEMENT COMMITTEE – 11 FEBRUARY 2026

<b>Application Number</b>	3/24/0284/OUT
<b>Proposal</b>	Outline planning permission for the erection of up to 36 dwellings with all matters reserved except for access
<b>Location</b>	Land West of High Road, High Cross, Hertfordshire
<b>Parish</b>	Thundridge Parish Council
<b>Ward</b>	Ware Rural

<b>Date of Registration of Application</b>	19.02.2024
<b>Target Determination Date</b>	05.07.2024
<b>Reason for Committee Report</b>	Major application
<b>Case Officer</b>	Joanna Russell

### **RECOMMENDATION**

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

#### **1.0 Summary of Proposal and Main Issues**

- 1.1 This application seeks permission for the erection of up to 36 dwellings with all matters reserved except for access.
- 1.2 The site is not allocated for development, or any other use, within the East Herts District Plan 2018. The site lies outside the designated village boundary of High Cross and is within the Rural Area beyond the Green Belt.
- 1.3 The main planning issues relate to the balance between the beneficial aspects of the provision of housing and affordable housing weighed against any negative aspects arising from the development.
- 1.4 The proposal would encroach into the rural landscape, however, the harmful impact is considered to be limited.
- 1.5 The site is well related to the village core. However, the services that are available in the village are limited and future residents would be reliant on private transport to a large extent notwithstanding that High Cross is relatively close to the main settlements of Ware and Hertford and the primary highway network and there is a connecting local bus service.

1.6 Consideration is given to the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

## **2.0 Site and Surroundings**

2.1 The site lies to the immediate west of High Road and comprises flat uncultivated land laid to grass and is in equestrian use.

2.2 High Road is a predominantly residential corridor which features a mix of bungalows and two-storey family homes.

2.3 The Site is part of a larger landholding comprising Marshall's Farm and includes land to the west of the proposed development which is proposed to be retained as open space as part of the planned surface water drainage regime.

2.4 To the north and west of the site are defined agricultural fields. A mature hedgerow is situated along its boundary with High Road. To the east, across High Road is the Puller Memorial Primary School and the Parish Church of Saint John's High Cross. To the south, there is the High Cross Jet service station and the village's historic core featuring residential houses.

2.5 The site is outside of but adjacent to the defined settlement boundary of High Cross and lies within the Rural Area Beyond the Green Belt. The land is not within any landscape or heritage designation but is opposite the Grade II listed St Johns Church and Grade II Puller Memorial Primary School.

## **3.0 Planning History**

3.1 Planning permission was refused for outline consent for the erection of 27 dwellings under application reference 3/17/2216/OUT on the basis that the Council could demonstrate a housing land supply of 6.2 years. The development of a site outside of a settlement and the (limited) adverse impact on the rural landscape was not significantly outweighed by any other material planning consideration.

## **4.0 Main Policy Issues**

4.1 The main planning issues of the application relate to the balance between the beneficial aspects of the provision of housing and affordable housing weighed against any negative aspects arising from the development.

- 4.2 The relevant policies in the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the adopted East Herts District Plan 2018, and the Thundridge Neighbourhood Plan (TNP) are referenced in the table below.

<b>Main Issue</b>	<b>NPPF Chapter</b>	<b>East Herts District Plan</b>	<b>Thundridge Neighbourhood Plan</b>
Principle of Development	2, 5, 9 and 11	INT1, DPS1, DPS2, GBR2, VILL1, TRA1, ED2	
Affordable Housing and Housing Mix	5	HOU1, HOU7, HOU3	THH1
Visual and Landscape Impact	8	HOU2 DES2 DES3, DES4, HOU2	THH4, THE4
Heritage Assets	16	HA1, HA7	THE1
Archaeology		HA3	
Neighbouring Amenity	12	DES4, EQ2	
Transport	9	TRA1, TRA2, TRA3	THFS7
Flooding and Drainage	14	WAT1, WAT3, WAT5	
Sustainability and Climate Change	14	CC1, CC2 and WAT4	THH6
Trees, Ecology and Biodiversity	15	NE2, NE3	THE7
Pollution	9, 15 and 12	EQ1, EQ2, EQ3, EQ4	
Planning Obligations and Infrastructure	4	DPS4 DEL1 DEL2 CFLR1 CFLR3 CFLR7 CFLR9, CFLR10	

- 4.3 A revised NPPF is currently out for consultation with the deadline for comments being 10 March 2026. This is proposed to be more directive of

decision-making in support of both appropriate housing and commercial development and is underpinned by 3 main objectives:

- To ensure national planning policy is accessible and understandable for everyone who uses it
- To establish a comprehensive suite of national policies on general planning matters which will apply across the country
- To make the policy which it contains more 'rules-based' and certain, and so more capable of supporting timely and consistent planning

4.4 While this is noted for information, very limited weight is currently given to it in light of its draft status.

4.5 Other relevant issues and relevant guidance are referred to in the 'Consideration of Issues' section below.

## **5.0 Equality Act 2010**

5.1 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, equality 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 referred to in this committee report have all been subject to an Equalities Impact Assessment (EqIA), and therefore the planning policy framework is considered to meet the first stage in the process. Officers have duly considered the equalities impacts on protected groups in the context of the development proposals.

## **6.0 Summary of Consultee Responses**

6.1 HCC (Hertfordshire County Council) Highway Authority: Raise no objection subject to the imposition of conditions.

6.2 HCC Infrastructure: Request contributions towards infrastructure provision.

6.3 EHDC (East Herts District Council) Infrastructure: Request contributions towards infrastructure provision.

6.4 Lead Local Flood Authority (LLFA): No objection subject to the imposition of conditions.

- 6.5 HCC Archaeology: No objection subject to imposition of a condition requiring archaeological evaluation.
- 6.6 HCC Waste and Recycling: Provide advice about waste and recycling requirements.
- 6.7 HCC Housing: Provide advice about proposed property details.
- 6.8 EHDC (East Herts District Council) Conservation and Urban Design Advisor: No objection.
- 6.9 EHDC Environmental Health (Noise and light): No objection to the proposal.
- 6.10 EHDC Environmental Health (Land): No objection subject to the imposition of conditions.
- 6.11 EHDC Landscape Officer: Raises no objection. Concludes that there would be some adverse landscape impact, but this would not be significant.
- 6.12 Thames Water: No objection
- 6.13 East of England Ambulance Service: Request contribution towards impact on service.
- 6.14 NHS England: Request contributions towards healthcare provision.
- 6.15 Hertfordshire Police: Cannot comment without more detailed plans.
- 6.16 Hertfordshire Fire and Rescue: Request a condition for the provision and installation of fire hydrants.
- 6.17 All of the above representations have been considered in the drafting of this report.

## **7.0 Town Council Representations**

- 7.1 Thundridge Parish Council: Object to the proposal on the following grounds:
  - The proposal is contrary to the East Herts District Plan and the Thundridge Neighbourhood Plan.

- The proposal would fall outside of the village boundary, encroach on the countryside and have an urbanising impact on the character of the village.
- The proposal does not represent sustainable development.
- The benefits of the proposal do not outweigh the harm.
- The Council has a 5 year housing land supply and therefore the proposal should be judged in accordance with the development plan.
- There are no circumstances which justify a larger scheme in an inappropriate location than previously refused.
- The proposal does not reflect the traditional character of the Parish, would impact on the setting of the opposite church and impinge views of the school.
- There is insufficient local water supply and waste water disposal, and Surface Water Flooding needs to be sufficiently addressed.
- There is a downturn in the housing market.

7.2 The representations from the Parish Council have been considered in the drafting of this report.

## **8.0 Summary of Other Representations**

8.1 46 responses have been received including 1 from CPRE. 1 of these is in support, and 41 including from CPRE are in objection. 4 are neutral. The issues raised are summarised below:

### **Support**

- The provision of housing is supported provided there is sufficient parking

### **Objection**

- The proposal will increase the size of the village with no benefit to existing residents
- There has already been too much additional development
- The proposal will not meet the needs of the community
- The proposal breaches the village boundary
- Countryside encroachment and loss of green space
- Loss of village identity
- The proposal is not sustainable development
- The proposal will impact on views of the school contrary to the Neighbourhood Plan
- Increased traffic and parking pressure

- Access is unsafe
- Not enough services in the village to support increase
- Increase in pollution and noise
- Intensified flooding issues
- Light pollution
- House prices will be affected
- Increase in crime / anti social behaviour
- Impact on wildlife
- Damage to Rib river
- Landscape harm
- Loss of agricultural land for food production.

### **Neutral Comments**

- Would like to see further measures to control traffic speed
- There is a colony of swifts nearby and this would be a good opportunity to supplement it or create a new one
- Swift and bat boxes should be provided in sufficient numbers
- Flooding and drainage need to be appropriately managed

8.2 All of the above representations have been considered in the preparation of this officer report.

## **9.0 Consideration of Issues**

### **Principle of Development**

#### Development Strategy

- 9.1 District Plan policy DPS2 seeks to direct residential development to sustainable locations within identified settlements, on allocated sites and on sustainable brownfield sites, with limited development also supported in villages.
- 9.2 The NPPF states that *'the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner'* and sets out that decisions should apply a presumption in favour of sustainable development but that this does not change the statutory status of the development plan as the starting point for decision-making.

- 9.3 The application site is undeveloped and outside although adjacent to the settlement boundary of High Cross which is identified as a Group 1 village in the Local Plan.
- 9.4 The location of the site outside the village boundary means that the land is designated as part of the Rural Area Beyond the Green Belt. Local plan policy GBR2 identifies types of development that can be acceptable in the Rural Area Beyond the Green Belt. The site does not fall within any of these exceptions.
- 9.5 On this basis, the proposed scheme does not comply with the overarching development strategy for the District or represent a form of development normally supported in the Rural Area Beyond the Green Belt, contrary to Local Plan policies DPS2 and GBR2.
- 9.6 This conflict with development plan policy is attributed negative weight in the final balancing exercise undertaken at the end of this report.

#### Housing Delivery

- 9.7 Local Plan policy DPS1 outlines that the Council will provide a minimum of 18,458 new homes in the District over the plan period (2011 – 2033). This figure has been increased under the revised standard new methodology set out in the NPPF. In addition, Section 5 of the NPPF sets out that the Government maintains its objective to significantly boost the supply of homes.
- 9.8 The Council are unable to provide a 5 year housing land supply (5YHLS). On this basis, the housing supply-based policies in the Local Plan are out of date.
- 9.9 This proposed scheme would deliver up to 36 dwellings and would therefore make a meaningful contribution towards the current 5YHLS deficit. This housing provision is a significant benefit of the scheme, which attracts support from Section 5 of the NPPF and should be assigned significant positive weight in the overall balance.

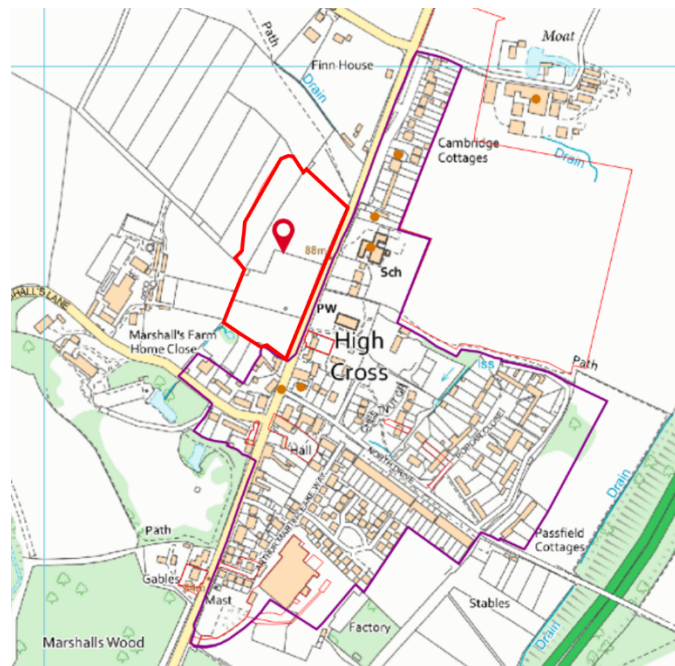
#### Access to Services and Facilities

- 9.10 Local Plan policy TRA1 sets out that development proposals should be located primarily in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction. This policy seeks to ensure that a range of sustainable transport options are available to occupants or users of the development, which may involve the improvement of pedestrian links, cycle paths, passenger transport

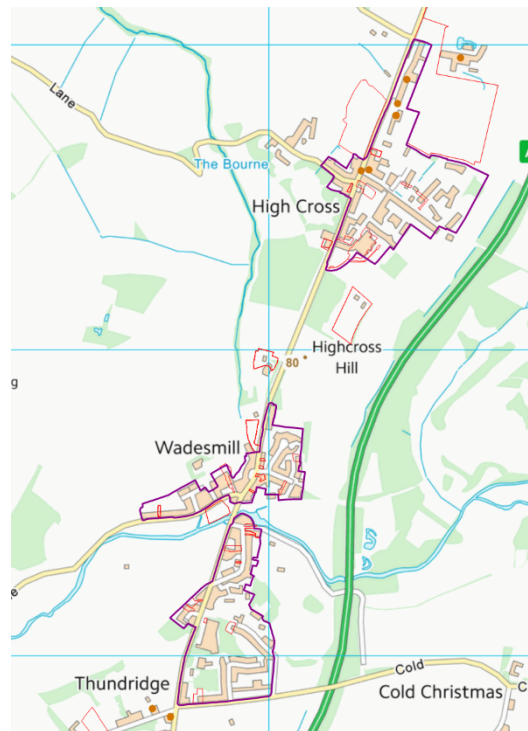


network and community transport initiatives. Paragraph 110 of the NPPF outlines that significant developments should be focused on locations, which are, or can be made sustainable.

- 9.11 The site is located adjacent to High Cross which is categorised as a group one village in the Local Plan. Group one settlements are the most sustainable type of village in the District, as they contain some services and facilities. Within High Cross there is a primary school, church, village hall and convenience shopping in the Spar in the service station.



- 9.12 Approximately 850m from the application site lies the group 2 village of Wadesmill. Approximately 1.3km from the application site, past Wadesmill lies the group 1 village of Thundridge. These are accessible from the application site along the High Road / Cambridge Road which is lit with pavements on both sides. These provide for another primary school, café, public houses and local businesses.



- 9.13 The proximity of the site to Wadesmill and Thundridge means that there would be reasonable scope for occupants of the development to walk or cycle into these villages in addition to High Cross itself to access services and facilities.
- 9.14 Officers acknowledge that the facilities within Wadesmill and Thundridge are beyond the recommended distances for walkable neighbourhoods (generally accepted as being 800 metres to facilities). However, there would still be some potential for occupiers of the proposed dwellings to access services and facilities given the provision of lighting and pavements on the connecting road.
- 9.15 Whilst the access to some services and facilities is noted, officers acknowledge that there is no secondary school in the village, nor is there a large supermarket in the vicinity with the closest being in Ware. Furthermore, the employment opportunities in the locality are limited and there is no train station in the village. Given this, it is clear that occupiers of the proposed development would have to travel outside the village for essential journeys to access secondary education, shops, employment and rail travel. The nearest settlements that contain such facilities are the towns of Hertford and Ware.
- 9.16 The nearest bus stops are located approximately 48 meters from the southeastern corner of the site. An hourly bus service 331 runs along High Road, facilitating connections from High Cross to Ware and Hertford. The bus route has further stops along High Road facilitating

transport within the village. As such, there would be some scope for occupiers of the proposed dwellings to travel to larger settlements via public transport.

- 9.17 The availability of some public transport in the area is noted. However, officers do not consider the bus services running through the area to be of such frequency or convenience for this to be the main mode of transport to nearby towns utilised by occupiers of the proposed development. As such, there would be some reliance on the private vehicle to undertake essential journeys. This means that the proposals would result in the creation of some unsustainable journeys and this would conflict with part of Local Plan Policy TRA1 and Section 9 of the NPPF.
- 9.18 A £250,000 bus services 106 contribution is to be made. This would be used towards enhancing bus services and improving the bus infrastructure in the area.
- 9.19 Pedestrian highway works (as detailed later in this report) along High Road are also proposed. This will be of benefit for future public highway users accessing the new development and the school, church and public footpath network opposite the site.
- 9.20 Taking the above into account, moderate negative weight is assigned to the access to services and facilities via sustainable modes of transport. This will weigh against the proposed development in the balance.

#### Loss of Agricultural Land

- 9.21 Policy ED2 of the District Plan relates to the rural economy and outlines that where proposals result in the loss of an agricultural or employment use in a rural area, evidence will be required to demonstrate that the current agricultural or employment use is no longer needed or viable.
- 9.22 NPPF Paragraph 187(b) seeks to recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – *‘including the economic and other benefits of the best and most versatile agricultural land [BMV], and of trees and woodland’*.
- 9.23 Footnote 65 of NPPF states that *‘Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality’*.

- 9.24 The application site is used for equestrian purposes as grazing paddocks. The application is accompanied by an agricultural land classification report to establish the agricultural value of the land. It concludes that the land has uniformly heavy soils with restricted drainage. Land quality is limited to Subgrade 3b by wetness/workability.
- 9.25 The NPPF defines best and most versatile agricultural land as that in grades 1, 2 and 3a of the Agricultural Land Classification. Therefore, the land is not classified as best and most versatile agricultural land and its use for agricultural purposes is limited.
- 9.26 Taking account of the above, it is concluded that the proposal would not have a significant impact on agricultural productivity and no objection is raised to the proposal on this basis.

### **Affordable Housing and Housing Mix**

#### Overall Housing Mix

- 9.27 Local Plan policy HOU1 and Neighbourhood Plan THH1 outline that housing developments should deliver an appropriate mix of housing tenures, types and sizes in order to create mixed and balanced communities, taking into account the latest Strategic Housing Market Assessment (SHMA) and any up-to-date evidence. Policy HOU7 requires new homes to be readily accessible and adaptable to meet the changing needs of occupants. This policy expects residential development to meet Building Regulations Requirement M4(2) – Accessible and Adaptable Dwellings. Major developments should also provide a proportion of dwellings that meet Building Regulations Requirement M4(3) – Wheelchair User Dwellings.
- 9.28 This application proposes the delivery of up to 36 dwellings. However this scheme is in outline form, with reserved matters to follow, and therefore the final housing mix has not been set. The submission advises that *'the housing mix will be determined at the detailed stage, but it is expected to include a broad range of house types as found within the local townscape'*. This matter will be assessed at reserved matters stage when further detail is submitted.
- 9.29 In order to ensure that the future housing mix does address local housing need, it is deemed necessary to include a condition requiring future reserved matters submissions to have regard to the SHMA housing requirements. Subject to this condition, officers consider that the scheme would broadly comply with DP Policy HOU1.

- 9.30 No details have been provided to demonstrate that the proposed scheme would deliver dwellings that meet Building Regulations Requirement M4(2) – Accessible and Adaptable Dwellings. These details would be finalised at reserved matters stage. Nonetheless, officers do not consider there to be any particular issues on this site that would prevent the provision of M4(2) and M4(3) dwellings through the development. In light of this, it is deemed appropriate to include conditions as part of this recommendation that require 90% of the proposed units to comply with M4(2) standards and the remaining 10% of the dwellings to be provided as M4(3) dwellings. This condition would ensure that the proposed development would comply with Local Plan policy HOU7.

#### Affordable Housing

- 9.31 Local Plan policy HOU3 seeks to secure 40% affordable housing provision on developments of 15 or more dwellings. The affordable housing provision should incorporate a mix of tenures, having regard to the Council's most up-to-date evidence on housing need. Affordable units should be integrated into the open market housing through appropriate design methods (e.g. tenure blind, pepper potting).
- 9.32 The applicant has confirmed that the development would deliver 40% affordable housing (14 units) which would be secured through a S106 Legal Agreement.
- 9.33 The outline form of this application means that the proposed dwelling types provided within the overall affordable housing mix have not yet been provided. This would be finalised at the reserved matters stage.
- 9.34 EHDC Housing officer has confirmed that although the council requires a tenure mix of 84% rented/ 16% other intermediate tenure, they are mindful of the previous NPPF requirements which required 10% of the housing on all developments to be for affordable home ownership. In these circumstances, a 75% rented and 25% affordable home ownership split has been considered acceptable for major housing developments in the District. Noting that the 10% affordable home ownership requirement has fallen away in the current NPPF, it is considered that the proposed 75%/25% split is acceptable. This equates to 11 dwellings for affordable rent and three dwellings for shared ownership.
- 9.35 A suitable spread of affordable housing units across the site and a tenure blind design for the affordable units would be required at reserved matters stage, in order to meet the requirements of policy HOU3.

- 9.36 This provision of 14 affordable housing units is a benefit that is assigned significant positive weight.

### **Visual and Landscape Impact**

- 9.37 Local Plan policy DES2 states that development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape. Policy DES3 requires proposals to demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value. Where losses are unavoidable and justified by other material considerations, compensatory planting or habitat creation will be sought either within or outside the development site.
- 9.38 Local Plan policy DES4 outlines that developments must be of a high standard of design and layout to reflect and promote local distinctiveness.  
Policy HOU2 requires housing developments to make efficient use of land and for proposals to demonstrate how density has been informed by the character of the local area.
- 9.39 The proposal is for outline consent, with all matters (except access) reserved. On this basis, scale, layout, appearance and landscaping fall to be determined at a later stage when they are submitted as part of a reserved matters application.
- 9.40 Subject to the submitted parameter plan being conditioned, the Councils design consultee has advised that they raise no objection to the proposal.
- 9.41 Turning to landscape matters, the site is located within Area 73B 'High cross plateau' Landscape Character Area (LCA) of the East Herts District Landscape Character Assessment (2007). Key characteristics of the LCA include its undulating arable upland, filtered views out from the A10, views filtered by hedgerow vegetation, isolated blocks of woodland, some large, east of the A10. Guidelines include the creation and improvement of habitat links to reverse habitat fragmentation such as hedges and small woodlands
- 9.42 To assist in establishing the potential landscape impact of development, the applicant has provided a landscape masterplan and parameter plan which indicatively show how the proposal can be accommodated on site. The application is also accompanied by a Landscape and Visual Impact Assessment (LVIA) and an Urban Character Assessment.

- 9.43 The Council's landscape consultee has considered the submitted document and advised that the assessment appropriately considers the worst-case scenario and judges the worst affected visual receptor. They do not disagree with the judgements made within the assessment of visual receptors.
- 9.44 The scheme aims to retain existing hedgerows on the site boundaries. Additional planting is proposed along the northern, southern and western boundaries. The landscape strategy includes native trees and understorey. Buffer planting is proposed on the western boundary and a 5 metre buffer plus 3m retained hedgerow on the northern boundary. Mitigative planting, native understorey and tree planting is also proposed on the southern boundary.
- 9.45 Views into the development from the main road will be broken up with semi-mature tree planting. In addition, consideration of views through to important landmarks such as the church tower are taken into account. Of benefit is the linking of new planting and woodland to existing hedgerows and tree groups which follows green infrastructure principles.
- 9.46 Due to the hedgerow boundaries, to some degree, the site is contained within its own setting. However contrary to the findings of the LVIA, there is a visual relationship with the wider landscape. The site is open to the landscape to the west and visible from public rights of way, Thundridge 044 to the northwest and also Thundridge 045 on to the High Road. The site is visible from Marshall's Lane descending into the village.
- 9.47 The Neighbourhood Plan highlights 11 important views in the Parish. The proposals fall within viewpoint 9 from Marshalls Lane which looks eastwards towards the site and edge of High Cross. Policy THE4 requires any new development to respect the sightlines to the church and school in order to retain this long-distance view of the village. This visual edge will be changed with any new development.
- 9.48 Maintaining important views, green corridors and local wildlife areas are a key objective of the Neighbourhood Plan and Policy THE5- Local Green Spaces is relevant to the application site with two of these designated green spaces LGS 7 Football Field and Sute's Meadow located to the north of the site.
- 9.49 The submitted masterplan allows for retention of some views to the church and school from the wider countryside. However, views to the existing village edge across paddocks from public rights of way to the northwest will change, although views from the locally level landscape are filtered by existing hedgerows.

- 9.50 The LVIA concludes the landscape impact of the proposal to be moderate adverse and that the wider visual impact of the development would not be significant.
- 9.51 The effects of the development were considered only to be significant from one of the assessed viewpoints, and only at year 1 of the development. These effects are not considered to be significant at year 15 with maturing of planting mitigation.
- 9.52 Subject to the parameter plan which shows the provision of landscape buffers to all boundaries of the site, with a maximum residential build of 2 storeys (or 9.5m ridge height) the Council landscape consultee raises no objection on landscape grounds and agrees with the conclusion of the LVIA. Subject to the proposed mitigation and maturing of tree and hedge planting, the development proposals are acceptable in terms of landscape and visual impact.
- 9.53 Subject to accordance with the indicative plans, and further details of landscape, layout and scale which would be managed at reserved matters submission stage, the landscape impact of the proposal would be moderately adverse. This means that the scheme would fail to conserve, enhance or strengthen the character and distinctive features of the district's landscape. This would be contrary to Local Plan policy DES2. However, given that the adverse landscape and visual impact would not be classified as significant, it is considered appropriate to assign moderate negative weight to this harm.

### **Heritage Impact**

- 9.54 Section 66 and 72 of the Listed Buildings and Conservation Areas Act 1990 require that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reiterated in the policies in Chapter 21 of the Local Plan and Neighbourhood Plan policy THH4.
- 9.55 There are a number of listed buildings within the vicinity of the site. To the east of the site across High Road is the Grade II listed C19th Puller Memorial School located alongside a variety of residential dwellings on the High Road. To the south of this on the same side of High Road is the GII listed mid-C19th Church of St John, and the GII listed mid-C19th



Rectory. Immediately south of the application site (west of High Road) is the GII listed Barn and Farm house.

- 9.56 A Heritage Assessment has been submitted with the application which concludes that there would no significant impact on nearby heritage assets.
- 9.57 The Councils heritage consultee has advised that based on the information submitted, the proposal will result in a low level of harm to the setting of the listed buildings.
- 9.58 Paragraph 215 of the NNPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.59 Consideration is given to the benefits of the scheme as identified throughout this report including the provision of housing set against the Councils lack of 5 year supply, the provision of affordable housing and the surface water drainage betterment. The harm to the significance of the heritage assets would be to their setting and at the lower end of less than substantial. This would be considered alongside the indicative proposed location of development on site in relation to nearby listed buildings and the parameter plans which show that development can be sited a reasonable distance from the boundaries of the site with intervening boundary treatments. In light of this, it is concluded that the benefits would outweigh the less than substantial harm. Regardless, this will still be considered in the final planning balance.

### **Archaeology**

- 9.60 District Plan policy HA3 seeks applicants to engage with the Hertfordshire Historic Environment Unit where a proposal has the potential to impact upon the archaeological value of a site.
- 9.61 The southern half of the proposed development area is located within Area of Archaeological Significance no. 179, as identified in the Local Plan. This covers the core of the historic village of High Cross, which has medieval origins.

- 9.62 The proposed development is directly adjacent to Ermine Street, the main Roman highway from London to York (Historic Environment Record no. 9271). There is therefore potential for Roman roadside occupation or activity at this location. Furthermore, some of the proposed works, particularly any landscaping close to the road itself or creation of access roads may potentially impact on the fabric of the Roman road itself.
- 9.63 There is also potential for medieval or post-medieval activity on the site, due to its proximity to the core of the village. A medieval moat and the remains of an associated 14th century house lie circa 200m to the north east of the site (HER nos. 1993 & 2223).
- 9.64 On this basis, the proposal is regarded as likely to have an impact on heritage assets of archaeological interest. It is therefore recommended that a condition is imposed requiring a programme of archaeological work.
- 9.65 Subject to the imposition of a condition, the archaeological impact is acceptable and in accordance with Local Plan policy HA3.

### **Neighbouring Amenity**

- 9.66 Local Plan policy DES4 notes that development should avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land and ensure that their environments are not harmed by noise and disturbance, or by inadequate daylight, privacy or overshadowing. Policy EQ2 outlines that proposals should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment.
- 9.67 The outline form of this application means that the layout, appearance and scale of the proposed development have not been set. As such, it is not possible at this stage to fully assess potential impacts on neighbouring properties. This matter would be revisited at reserved matters stage.
- 9.68 While the above is acknowledged, this application is accompanied by an illustrative landscape plan which sets out how the site could be developed. This demonstrates that no development would be sited in such close proximity to a neighbouring occupier such that it would have a detrimental impact in terms of loss of privacy, daylight/sunlight, or be overbearing.
- 9.69 It is concluded that the proposed development can be accommodated on the site without resulting in material adverse impacts on neighbouring

properties and local residents. As such, the proposed scheme would not be contrary to Local Plan policies DES4 or EQ2.

## **Transport**

- 9.70 District Plan Policy TRA2 states that *'development proposals should ensure that safe and suitable access can be achieved for all users. Site layouts, access proposals and any measures designed to mitigate trip generation produced by the development should: (a) Be acceptable in highway safety terms; (b) Not result in any severe residual cumulative impact; and (c) Not have a significant detrimental effect on the character of the local environment'*.
- 9.71 Neighbourhood Plan policy THFS7 requires all proposals to provide a traffic assessment, and for contributions to be made to achieve sustainable transport improvements.
- 9.72 The application is supported by a Transport Statement, road safety audit and technical details relating to the access provision.
- 9.73 High Road is a 30 mph route and there are public right of way routes in the vicinity, most notably bridleway Thundridge 048 and footpath Thundridge 045 directly opposite the site.
- 9.74 Matters of access are included as part of the submission. A new vehicle access is proposed onto High Road, at 7.5 metres wide and 6 metre kerb radii. 2 metre wide footways are shown on the submitted plans on both sides of the access, with pedestrian dropped kerbs and tactile paving over the access.
- 9.75 Vehicle movements in and out of the access have been tracked, including for a 12.2 metre long refuse vehicle. Visibility is provided by appropriately sized splays. These have been provided in accordance with a stage 1 Road Safety Audit and have been checked and agreed by Hertfordshire Highways Authority who advise that the access onto High Road as shown on the submitted plans is broadly acceptable but will be subject to detailed design checks covered by the recommended conditions.
- 9.76 The applicant has undertaken a TRICS assessment in the submitted Transport Assessment. This shows that there is expected to be 19 vehicle trips in the busiest weekday peak hour (8-9am).
- 9.77 Off site highways works are proposed as part of the application. Key features include a new footway along the western side of the High Road

carriageway and a signalised crossing point to connect the development with amenities on the Eastern Side of High Road such as the School, church and convenience store / petrol station.

- 9.78 The Highways Authority have advised that, together the works will provide a good quality pedestrian route from the site access to the local Primary School, the Church and the Convenience store / Petrol Station.
- 9.79 On the basis of the off-site highway works being in place before first occupation, the Highways Authority have advised that the impact of this increased traffic is not considered severe.
- 9.80 As detailed above, a £250 000 bus services 106 contribution is to be made. This would be used towards enhancing the services and improving the bus infrastructure in the area.
- 9.81 As this is an application for outline consent and access only, there is no definite internal layout of the site. Hertfordshire County Council as the Highway Authority recommend that the internal layout be built to standards stipulated within their Place and Movement Planning Design Guide which promotes sustainable transport modes within the site as per Policy 1 of HCC's Local Transport Plan. A condition can be imposed to ensure that this is provided and it will also be managed, along with the provision of parking within the site through the submission and consideration of reserved matters.
- 9.82 There is the potential for disruption during the construction phase of the development. While this would not represent a reason for refusing the application, the impact could be managed through the imposition of a condition requiring submission of a Construction Traffic Management Plan (CTMP).
- 9.83 Subject to the imposition of conditions, the proposals would provide for safe access and not have a severe detrimental impact on the local highway. The proposal therefore accords with National planning policy and Local Plan policy TRA2.

### **Flooding and Drainage**

- 9.84 Local Plan policy WAT1 addresses the management of flood risk. Policy WAT3 relates to the quality of water, and WAT5 requires appropriate sustainable water management and Sustainable Drainage Systems to be implemented.

- 9.85 The application site is located within Flood Zone 1. There is a major surface water flow path crossing it and the site is at high surface water flood risk, with notable areas having depths between 30-90cm in the 1 in 30-year flood event.
- 9.86 Extensive discussion has taken place between the applicant and the Local Lead Flood Authority who raised concern about the surface water flooding issues including the connections of the watercourses where runoff will be disposed. Additional information has been provided including the submission of the initial Flood Risk Assessment and Drainage Strategy, and also a drainage CCTV report and footage.
- 9.87 It is concluded that the proposals do not alter the natural flood catchments and do not change the area that drains to the culverted watercourse ensuring that the baseline arrangement is retained.
- 9.88 Discharge from the flood alleviation ditch will follow the existing hydraulic arrangement, with flows from the north following the existing ditch, which then naturally (as existing) flows overground to the low spot within the site, which is currently drained to the culverted watercourse. A proposed flood alleviation ditch will be an extension, (widening and deepening) of the existing ditch, which will allow for additional surface water volume to be retained within the site in events of intense rainfall, slowing down flow and reducing flood risk downstream. This has been demonstrated through the detailed surface water flood risk model completed by the applicants consultant. This represents an improved surface water drainage system than currently in place on site.
- 9.89 Regarding water discharge from the site, it has been demonstrated that there is no additional water from surface water flow paths or from the development directed to the culverted watercourse, compared to the existing arrangement. There are no cross-catchment discharges and the area currently draining to the watercourse is retained. This is demonstrated by the natural flow routes as shown on the submitted drawings. The flows from the developed site itself are restricted to predevelopment peak rates ensuring that peak flows to the receiving watercourse are no higher than existing, and that flood risk is not increased downstream.
- 9.90 Surveys completed in the past show the culvert arrangement in the area, starting at the low point within the site and draining to the road. The drainage plan shows this arrangement, and the CCTV confirms connectivity from the site, through the culvert to the watercourse within the road, and confirm free flow and suitable conditions. No additional catchment is added to the system, and peak flows from the development

are restricted to predevelopment greenfield runoff rates, hence the existing capacity and demand are retained.

- 9.91 The submitted information and detailed hydraulic study completed to support the application demonstrate that the development is suitably considered, mitigation drainage/flood risk measures are incorporated and the post development arrangement will provide a reduction in the extent and depth of flooding, both on site and the area to the south.
- 9.92 Hertfordshire County Council as Local Lead Flood Authority have considered the submitted information and have advised that the studies and modelling that have been completed and provided with the planning application conclusively demonstrate that surface water flood risk is mitigated and there is no residual unacceptable flood risk, with betterment demonstrated. They raise no objection to the proposal subject to the imposition of conditions to secure the drainage proposals.
- 9.93 Paragraph 27 of National Planning Policy Guidance has recently been updated to provide further guidance relating to flood risk. It states that
- 'In applying paragraph 175 [need for the sequential test] a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.'*
- 9.94 In this case as detailed above, it has been demonstrated to the satisfaction of the Lead Local Flood Authority that the existing surface water flood risk on site is mitigated and there is no residual unacceptable flood risk, with betterment demonstrated. On this basis, officers have concluded that a sequential test is not required, which is in accordance with the guidance set out in the NPPG, and there are no grounds for objection of the scheme in relation to flood risk. It is considered that a proportionate approach can be taken in light of the merits of the application and the resulting impact on flood risk in the area.
- 9.95 Subject to the imposition of conditions, the proposals accord with policies WAT1, WAT3 and WAT5 regarding sustainability and water management as well as the planning guidance set out in the NPPF and NPPG. There would be a betterment of the surface water flooding currently on site and this benefit is assigned limited positive weight.

## Foul Water Drainage

- 9.96 DP Policy WAT6 outlines that development proposals must ensure that adequate wastewater infrastructure is available.
- 9.97 Thames Water have advised that with regard to foul water sewerage network infrastructure capacity, they do not have any objection to the planning application based on the information provided. Therefore, it is considered that appropriate means of dealing with foul water can be delivered on the site.

## Sustainable Design and Climate Change

- 9.98 DP Policy CC2 requires developments to minimise carbon emissions, taking into account the Energy Hierarchy.
- 9.99 DP Policy CC1 sets out that proposals should demonstrate how the design, materials, construction and operation of the development would minimise overheating and reduce the need for heating in the winter. Schemes should also minimise the use of mains water, with residential developments designed to meet the water consumption target of 110 litres per head, per day, in line with DP Policy WAT4.
- 9.100 Neighbourhood Plan policy THH6 states that in order to reduce energy use, innovative approaches to the construction of low carbon homes that demonstrate the sustainable use of resources and high energy efficiency levels will be supported
- 9.101 The outline form of this application means that the layout, appearance and method of construction of the proposed development has not yet been finalised although an energy and water statement and the sustainability checklist have been included with the submission which makes a commitment to energy and carbon reduction, climate change adaptation and water efficiency in accordance with the aims of policies CC1, CC2 and WAT4.
- 9.102 Details of sustainability measures and the proposed water efficiency measures would be secured via condition.

## Trees, Ecology and Biodiversity

- 9.103 In England, Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for BNG which came into effect on 12th February 2024, every grant of planning

permission, subject to some exceptions, is deemed to have been granted subject to the condition that the biodiversity gain objective is met. The objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat

- 9.104 Alongside the statutory requirement, District Plan Policy NE2 states that *'All proposals should achieve a net gain in biodiversity where it is feasible and proportionate to do so, as measured by using and taking into account a locally approved Biodiversity Metric, and avoid harm to, or the loss of features that contribute to the local and wider ecological network'*.
- 9.105 Policy NE3 states that *'Development should always seek to enhance biodiversity and to create opportunities for wildlife...with evidence provided in the form of up-to-date ecological surveys'*. Part II-VIII of the policy also state that harm to trees and hedgerows will be resisted.
- 9.106 Neighbourhood Plan policy THE7 states that development should conserve and enhance biodiversity and deliver net biodiversity gains.
- 9.107 The Hertfordshire Local Nature Recovery Strategy (LNRS) comprises the County Council's formal plan to reverse nature's long-term decline. This plan sets clear targets, priorities and actions to support habitats and species. It provides a shared framework so that everyone – across sectors and communities – can help deliver bigger, better and more connected nature recovery projects. The overall vision is to create *'a resilient nature network where green spaces are connected, enhanced and created – allowing people and nature to thrive together'*.
- 9.108 The application is accompanied by a Preliminary Ecological Appraisal (PEA). This highlights that the land is dominated by modified grassland with a patch of scrub along the southern boundary. The western and eastern boundaries comprise hedgerows with a line of mature trees along the northern boundary.
- 9.109 Significant effects as a result of the development are unlikely. The survey does not identify any significant ecological impact beyond the presence of Great Crested Newts (GCN) within an off-site pond to the North. The applicant has entered into a GCN district level license agreement and have provided a copy of this.
- 9.110 The PEA identifies that some bat roosts may be present, and bats may make use of boundary trees and hedgerow but that the impact of development will be negligible. Any permission will include precautionary



conditions relating to planting and lighting to ensure that there would be no impact in this regard.

- 9.111 Conditions will also be imposed on any permission to require precautionary mitigation measures along with ecological enhancements such as the use of swift bricks on site. These can also be incorporated into the reserved matter submission.
- 9.112 With regard to BNG, a Statutory Biodiversity Metric and Assessment have been submitted which show a calculated net gain of 79.18% for area habitats (3.81 biodiversity units), a net gain for Hedgerows of 38.75% (1.21 biodiversity units) and a net gain of 59.74% for the watercourse (0.17 units) On this basis, the statutory BNG condition would be met and exceeded.
- 9.113 How BNG target habitats and their condition are achieved and maintained for 30 years will need to be demonstrated using a Habitat Management and Monitoring Plan (HMMP). This will be secured by condition along with the Biodiversity Gain Plan. Monitoring costs will be appropriately secured as a planning obligation in the 106 agreement.
- 9.114 The application is accompanied by an Arboricultural Survey. This concludes that trees within the site survey area are all found around the perimeter of the site due to the use of the field as grazed horse pasture.
- 9.115 An Arboricultural Impact Assessment and associated Tree Protection/Removal Plan would be produced at a later date, once development plans for the site have been finalised. Plans at reserved matters stage would be expected to respond to the limited number of trees of value identified in the survey.
- 9.116 On the basis of the above, the proposals accord with Local Plan policies NE2 and NE3, Neighbourhood Plan policy THE7, and the NPPF. Subject to the imposition of conditions, no objection is raised to the ecology impact of the proposal.

## **Pollution and Land Contamination**

### **Air Quality**

- 9.117 DP Policy EQ4 outlines that developments should minimise air quality impacts at design stage and should incorporate best practice in design, construction and operation.

- 9.118 An Air Quality Assessment (AQA) has been submitted with this application, which considers possible air quality impacts during the construction and operational phases of the development and identifies mitigation measures to be adopted to reduce these impacts.
- 9.119 The Environmental Health Officer has reviewed the AQA and has raised no objection to the proposal on this basis subject to the imposition of conditions.
- 9.120 Subject to imposition of conditions, it is considered that the proposal would accord with Local Plan policy EQ4.

#### Noise Pollution

- 9.121 Local Plan policy EQ2 notes that development should be designed and operated in a way that minimises direct and cumulative impacts of noise on the environment.
- 9.122 The residential nature of the proposals means that the development itself would not generate excessive noise levels. Consideration is given to possible noise impact on the future occupiers of the proposed development and the Environmental Health team consider that this can satisfactorily be managed through imposition of a condition requiring details of sound insulation in residential units. On this basis, the proposal would accord with Local plan policy EQ2.

#### Light Pollution

- 9.123 DP Policy EQ3 notes that external lighting schemes must not adversely impact neighbouring uses, or the wider landscape.
- 9.124 The outline form of this application means that there the external lighting scheme for the proposed development has not yet been finalised. In order to ensure that sensitive lighting proposals are adopted on the site, a condition is recommended securing details of the external lighting scheme, in accordance with DP Policy EQ3.

#### Contamination Risk

- 9.125 DP Policy EQ1 requires developments to demonstrate that unacceptable risks from contamination would be successfully addressed through remediation.
- 9.126 The proposed residential use is one that is sensitive to land contamination. The Council Environmental Team have therefore advised

that it would be appropriate to impose a condition requiring site investigation and appropriate measures to deal with any contamination discovered on the site prior to its use.

- 9.127 On this basis, the proposal would accord with the requirement so Local plan policy EQ1.

### **Infrastructure Requirements**

- 9.128 Local Plan policy DEL1 requires adequate infrastructure to be provided both on and off site to enable the delivery of sustainable development. Policy DEL2 sets out that the Council will seek a range of planning obligations, where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. This policy requirement reflects Paragraph 58 of the NPPF.
- 9.129 Various objections have been received from local residents questioning the capacity of infrastructure in the area, including schools, health services and utilities. While these comments are acknowledged, all the statutory bodies responsible for these services have been consulted on the application and none have raised concerns on capacity grounds. As such, officers do not consider there to be major constraints to the development, in terms of availability of infrastructure or utilities. While this is acknowledged, significant financial contributions would be secured through this scheme, as part of the Section 106 Legal Agreement, towards infrastructure provision. These contributions would be used to improve services and facilities in the locality, so that they are able to accommodate the new residents occupying the development. The secured contributions and obligations are listed below with further detail available in the consultee responses online. The contributions are set out as an average figure required per dwelling on the basis that the exact number of homes that will come forward at Reserved matters is unknown (although the application states this will be 'up to 36').

<b>Hertfordshire County Council (indexed linked to BCIS 1Q2024 other than noted exceptions)</b>	
Bus Service Contribution	£250,000 total (index linked to Jan 2024)
Secondary Education Contribution	£14,562.36 per dwelling (Indexed linked to BCIS 1Q2024 and BCIS Regional Factor)
Childcare (0 – 2 Years) Contribution	£76.42 per dwelling

Childcare (5 – 11 Years) Contribution	£16.06 per dwelling
Special Educational Needs and Disabilities (SEND) Contribution	£1,948.92 per dwelling (Indexed linked to BCIS 1Q2024 and BCIS Regional Factor)
Libraries Contribution	£367.06 per dwelling
Youth Service Contribution	£273.14 per dwelling
Waste Service Recycling Centre Contribution	£223.69 per dwelling
Waste Service Transfer Station Contribution	£166.19 per dwelling
Fire and Rescue Service Contribution	£429.19 per dwelling
Monitoring fee	£420 per trigger
<b>East Herts District Council (all index linked from May 2020 other than noted exceptions)</b>	
Allotments Contribution	£177 per dwelling
Recycling and Refuse Contribution	£72 per dwelling and £76 per dwelling with communal facilities (index linked from October 2008)
Community Centres & Village Hall	£692.86 per dwellings
Fitness Gyms Contribution	£254.39 per dwelling
Studio Space Contribution	£105.08 per dwelling
Swimming Pool Contribution	£585.33 per dwelling
Sports Hall Contribution	£572.42 per dwelling

Bowls	£240.86 per dwelling
Playing pitches	£1,172.89 per dwelling
Outdoor tennis	£165 per dwelling
Monitoring Fee contribution	£300.00 per EHDC financial Contribution Obligation Plus £300 (Index linked from Date of Resolution)
<b>Other</b>	
East of England Ambulance Service	£355.45 per dwelling
Hertfordshire and West Sussex Integrated Care Board - GP Provision	£1,292.00 per dwelling (Index linked from Date of Resolution)
Affordable Housing	Provision of affordable housing, comprising 40% of the total number of units.
Affordable housing tenure split	<p>75% rented</p> <p>25% affordable home ownership</p> <p>All rents, inclusive of service charges should be within Local Housing Allowance (LHA) rates for the Broad Market Rental Area in which they are situated.</p> <p>Shared ownership must be affordable to households with a maximum income of £80,000.</p> <p>Shared ownership rents should be set at a maximum of 2.75% of unsold equity.</p> <p>The shared ownership lease should be in the form of the Homes England Model Shared Ownership Lease.</p>

30 Year Monitoring fee for Biodiversity Net Gain	tbc
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9.130 Officers consider these contributions to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, these contributions pass the statutory tests for planning obligations, set out at Regulation 122 of The Community Infrastructure Levy Regulations (2010) and reflected in DP Policy DEL2 and Paragraph 58 of the NPPF.

## **10.0 Planning Balance and Conclusion**

- 10.1 The Council are unable to provide a 5 year supply of housing. On this basis, the NPPF determines that the Local Plan policies relating to the provision of housing should be viewed as out of date. As such, the proposed scheme has to be assessed under Paragraph 11(d) of the NPPF.
- 10.2 Paragraph 11 of the NPPF requires decisions to apply a presumption in favour of sustainable development. 11(d) states that where the policies which are most important for determining the application are out-of-date, permission must be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*
- 10.3 Turning to point i, for the purposes of the NPPF, assets of particular importance that are relevant to this submission are heritage assets and areas at risk of flooding.
- 10.4 As detailed above, the proposal will result in less than substantial harm to the setting of nearby listed buildings. This harm is outweighed by the public benefits of the proposals (comprising the provision of housing including affordable homes and improvements to the pedestrian environment in the area along with the sustainable transport contribution

towards bus service improvement) and noting the Council's lack of 5 year housing supply, the contained nature of the development in relation to the heritage assets, and the low level of harm identified. It has been demonstrated to the satisfaction of the Lead Local Flood Authority that the existing surface water flood risk on site would be mitigated resulting in no residual unacceptable flood risk, with betterment demonstrated.

- 10.5 In light of the above, there are no strong reasons for refusing development in relation to areas or assets of particular importance.
- 10.6 Turning to Para 11 point ii. This requires a balancing exercise to be undertaken to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits.
- 10.7 This report concludes that the proposed scheme would give rise to a number of benefits, which would attract positive weight in favour of the proposal. Some adverse impacts and conflict with development plan policies have also been identified.
- 10.8 The positive and negative impacts are set out in the table below. Planning considerations not listed in the table are of neutral value.

<b>Planning issue</b>	<b>Positive weight</b>	<b>Negative weight</b>
Provision of up to 91 dwellings, contributing towards the Council's 5YHLS	Significant positive weight	
Provision of 40% affordable housing	Significant positive weight	
Financial contributions towards community facilities, health and education facilities to meet the needs of the development	Limited positive weight	
Financial contributions towards improved bus service of benefit to the wider community	Moderate positive weight	
Improved off site highway works of benefit to the wider community	Limited positive weight	
Provision of net gain of 79.18% of area habitats 38.75% of	Moderate positive weight	

hedgerows and 59.74% of watercourse		
Economic benefits of new employment during construction, and increased local expenditure from new residents	Limited positive weight	
Betterment of drainage on site	Limited positive weight	
Conflict with the spatial development plan strategy and policies covering the Rural Area Beyond the Green Belt		Moderate negative weight given that parts of the development plan relevant to housing delivery should be considered out of date, as required by Paragraph 11(d)
Reliance on the private vehicle and increased vehicular trips		Moderate negative weight
Adverse landscape and visual impacts		Moderate negative weight (this is an overall officer judgement which has been arrived at considering the full extent of impacts on landscape character and receptors at the selected viewpoints in the LVIA).



Heritage Impact		Limited negative weight
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- 10.9 Given the above assessment, officers conclude that the benefits of the proposal, principally housing delivery and affordable housing provision, should attract significant positive weight. Whereas, the adverse impacts arising from the development should be assigned moderate negative weight.
- 10.10 The adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. On this basis, applying the NPPF presumption in favour of sustainable development, on balance and for the reasons detailed above, it is recommended that planning permission be granted for the proposal.

## **RECOMMENDATION**

That planning permission be GRANTED, subject to the imposition of conditions and the completion of a Section 106 Legal Agreement.

### **TIME LIMITS**

1. (a) Application for approval in respect of all matters reserved in this permission shall be made to the Local Planning Authority within a period of 3 years commencing on the date of this notice. (b) The development to which this permission relates shall be begun by not later than the expiration of a period of 2 years commencing on the date upon which final approval is given by the Local Planning Authority or by the Secretary of State, or in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority or by the Secretary of State.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (As Amended).

### **APPROVED PLANS**

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

Location Plan PL001  
Urban design parameter plan PL006 REV B

Land use parameter plan PL003 REV C  
Proposed site access arrangements H5208-2PD-005 REV A

Proposed signalised pedestrian crossing H5208-6PD-001 REV B  
Flood Risk Assessment ref no. LE23872–HC-LINK-GEN-XX-RP-C-FRA01-P1-Flood Risk Assessment, rev no. P2  
Proposed drainage layout HC-LINK-GEN-XX-DR-C-0500 REV P3  
CCTV Survey, Land West of high road high cross dwg no.251148  
Response to LLFA Comments-High Cross, by Link Engineering, dated 16 May 2025, Report no. HC-LINK-XX-XX-RP-C-0003,version 1.1  
Technical note-High cross, by Link engineering, dated 22 January 2025, Ref. HC-LINK-GEN-XX-RP-C-TN01

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

### **COMMENCEMENT OF DEVELOPMENT**

3. Details of the (i) layout, (ii) scale, (iii) appearance and (iv) landscaping, as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) (hereinafter called "the Reserved Matters"), shall be submitted to and approved in writing by the Local Planning Authority before any development commences. The development shall be carried out in accordance with the Reserved Matters as approved.

Reason: To comply with the provisions of the Town and Country Planning (Development Management Procedure (England) (Order) 2015 (as amended).

### **SCOPE OF DEVELOPMENT**

4. The development hereby approved is for up to 36 dwellings (Use Class: C3). The total quantum of residential dwellings following approval of all reserved matters submissions shall not exceed this amount.

Reason: To provide clarity on the quantum of development, in accordance with Policies DPS1, DPS2, DPS3 and DES4 of the East Herts District Plan 2018.

### **HOUSING MIX**

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

Reason: To ensure that an adequate mix of housing by unit/tenure/position is provided, in accordance with Policies HOU1 and HOU3 of the East Herts District Plan 2018.

### **SPACE STANDARDS**

6. The detailed plans submitted in connection with the approval of reserved matters shall demonstrate that all of the proposed dwellings hereby approved will be designed and constructed to meet or exceed the standards contained within the Technical Housing Standards - Nationally Described Space Standards (2015) (or any subsequent replacement).

Reason: To ensure reasonable living standards, in accordance with Policy DES4 of the East Herts District Plan 2018 and the National Planning Policy Framework 2024.

### **WHEELCHAIR USER DWELLINGS**

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

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

### **SEPARATION OF NOISE SENSITIVE ROOMS**

8. Prior to erection of above ground superstructure of the proposed development, details shall be submitted to and approved in writing by the Local Planning Authority, of an enhanced sound insulation value  $D_{nT,w}$  and  $L_{nT,w}$  of at least 5dB above the Building Regulations value for the wall and floor structures separating different types of rooms / uses in adjoining dwellings e.g. between the kitchen / living areas of one dwelling and the bedroom of a separate dwelling. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

### **INTERNAL AND EXTERNAL NOISE CRITERIA**

9. Prior to commencement of the development, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority

of external noise levels including reflected and re-radiated noise and details of the sound insulation of the building envelope / glazing elements and of acoustically attenuated mechanical ventilation as necessary 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*'. Approved details shall be implemented prior to first occupation of the development and thereafter be permanently retained.

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

### **MATERIALS**

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

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

### **PROGRAMME OF ARCHAEOLOGICAL WORKS**

11. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological evaluation (in the form of trial trenches) in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.

The evaluation shall include appropriate mitigation measures as necessary. These may include:

- a) the preservation of any archaeological remains *in situ*, if warranted;
- b) the appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results;
- c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);

- d) the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of these results, as appropriate;
- e) such other provisions as may be necessary to protect the archaeological interests of the site.

This condition will only be considered to be discharged when the Local Planning Authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

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

### **FLOOD RISK AASSESSMENT ACCORDANCE**

12. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment by Link engineering, February 2024, ref no. LE23872–HC-LINK-GEN-XX-RP-C-FRA01-P1-Flood Risk Assessment, rev no. P2, Report Titled “Technical note-High cross”, by Link engineering, dated 22 January 2025, Ref. HC-LINK-GEN-XX-RP-C-TN01 and Report Titled “Response to LLFA Comments-High Cross”, by Link Engineering, dated 16 May 2025, Report no. HC-LINK-XX-XX-RP-C-0003,version 1.1, Drawing Titled “Proposed Drainage Layout, by Link Engineering, dated 7 May 2025,Rev P3,Titled “CCTV Survey, Land West of High Road High Cross, by Link Engineering, dated 10 November 2025,dwg no.251148), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm 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 and Policy WAT1 of the East Herts District Plan 2018.

### **CULVERT MAINTAINANCE**

13. Prior to any development maintenance of the culvert which the drainage scheme will discharge to, shall be carried out., in accordance with the submitted FRA and or Drainage Strategy Flood Risk Assessment by Link engineering, February 2024, ref no. LE23872–HC-LINK-GEN-XX-RP-C-FRA01-P1-Flood Risk Assessment, rev no. P2, Report Titled “Technical note-High cross”, by Link engineering, dated 22 January 2025, Ref. HC-LINK-GEN-XX-RP-C-TN01 and Report Titled “Response to LLFA Comments-High Cross”, by Link Engineering, dated 16 May 2025, Report no. HC-LINK-XX-XX-RP-C-0003,version 1.1, Drawing Titled

“Proposed Drainage Layout, by Link Engineering, dated 7 May 2025, Rev P3, Titled “CCTV Survey, Land West of High Road High Cross, by Link Engineering, dated 10 November 2025, dwg no.251148, This will include any clearance of blockages / silt and any repairs undertaken to allow free flow of water from the development.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 181, 182 and 187, and policies WAT1 and WAT5 of the East Herts District Plan 2018.

#### **TEMPORARY DRAINAGE MEASURES**

14. Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

Reason: To prevent flooding and pollution offsite in accordance with the NPPF and policy WAT1 and WAT5 of the East Herts District Plan 2018.

#### **CONSTRUCTION PHASE SURFACE WATER MANAGEMENT**

15. Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. 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 in accordance with policies WAT1 and WAT5 of the East Herts District Plan 2018.

#### **SUDS SCHEME**

16. 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:

A timetable for its implementation.

Details of SuDS features and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.

A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and policies WAT1 and WAT5 of the East Herts District Plan 2018.

#### **VERIFICATION REPORT**

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

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy EQ1 of the East Herts District Plan 2018.

#### **LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN**

18. No development shall commence until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The LEMP shall include:

- Description and evaluation of features to be managed;
- Ecological trends and constraints on site that might influence management;

- Proposals for ecological enhancements for habitats and species;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- Details of the body or organisation responsible for the implementation of the plan;
- Ongoing monitoring and adaptive management measures; and
- Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The Development shall be implemented in accordance with the approved details and the management prescriptions shall be implemented across the site for a period to be agreed in the LEMP.

Reason: to ensure appropriate management of the landscaping in the interests of ecological value in accordance with East Herts District Plan policy NE3.

### **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

19. No development shall take place (including demolition, vegetation clearance or ground works – but excluding any investigatory works required in connection with discharge of a planning condition) until a Construction Environmental Management Plan (CEMP) including a section for ecology has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

- A review of any ecological impacts.
- Risk assessment of potentially damaging construction activities.
- Identification of ‘biodiversity protection zones’
- A set of method statements outlining practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- The location and timings of sensitive works to avoid harm to biodiversity features.



- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person

Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sensible working practices which protect ecology on and adjacent to this site in accordance with East Herts District Plan policy NE3.

### **FARMLAND BIRDS**

20. Prior to commencement of development, a farmland bird management and monitoring plan shall be submitted to and approved in writing by the local planning Authority.

This must define target species and appropriate enhancement measures with boundary vegetation forming a critical part of these.

Management and monitoring of the buffer zones and hedgerows should be managed against specific criteria relating to nesting birds.

The development shall be carried out in accordance with the approved Farmland Bird Management and Monitoring Plan for the lifetime of the development.

Reason: To protect farmland birds in accordance with East Herts District Plan policy NE3.

### **LIGHTING DESIGN STRATEGY (BATS)**

21. Prior to the commencement of any development above ground level, a Lighting Design Strategy for bats shall be submitted to and approved in writing by the Local Planning Authority. This Lighting Design Strategy shall:

- accurately identify features/areas of interest;
- describe levels of illumination (during construction/post completion) and -illustrate illumination levels on contour plans/charts; and
- include a statement from an ecologist explaining how goals would be achieved.

Thereafter, the development shall be carried out and operated in full accordance with the approved Lighting Design Strategy.

Reason: To ensure that adverse impacts on protected species are avoided, in accordance with Policy NE3 of the East Herts District Plan 2018.

### **TREE PROTECTION PLAN AND ARBORICULTURAL METHOD STATEMENT**

22. Prior to the commencement of any development hereby approved, an updated Tree Protection Plan (TPP) and Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This TPP and Arboricultural Method Statement shall demonstrate how retained trees and hedgerows would be protected during the construction phase. Thereafter, the development shall only be carried out in full accordance with the approved details.

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

### **LANDSCAPING**

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

- Hard surfacing materials;
- Soft landscaping proposals;
- Retained landscape features;
- Planting plans detailing schedule of plants, species, planting sizes and density of planting;
- Areas for community gardens for food growing / edible landscaping; and
- An implementation timetable.

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

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

### **LANDSCAPE MAINTENANCE**

24. Prior to the first occupation of the development hereby approved, a schedule of landscape maintenance for a minimum period of five years,

following completion of the approved development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscaping shall be maintained, in accordance with the approved schedule.

Reason: To ensure the maintenance of landscaping, in accordance with policy DES3 of the East Herts district plan 2018.

### **MEANS OF ENCLOSURE/BOUNDARY TREATMENTS**

25. Prior to first occupation of the development hereby approved, details of all means of enclosure and boundary treatments within the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include boundary treatments to delineate public space and private defensible space, any low rising fencing or enclosures to attenuation/retention basins, as well as the boundaries of the site. Thereafter, the development shall be constructed in full accordance with the approved details. No dwelling shall be occupied until all the means of enclosure for the relevant dwelling have been installed.

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

### **ECOLOGICAL ENHANCEMENT PLAN**

26. Alongside the reserved matters submission, an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details of the location, number and type of enhancements and shall include swift bricks and other features integral to the built form of the development. Thereafter, no dwelling shall be occupied until the features/enhancements have been installed in accordance with the approved details. The approved features/enhancements shall be retained for the lifetime of the development.

Reason: To create ecological enhancement in accordance with Policy NE3 of the East Herts District Plan 2018.

### **HMMP**

27. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
- (a) a non-technical summary;
  - (b) the roles and responsibilities of the people or organisation(s) delivering the HMM.

- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 40 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority

has been submitted to, and approved in writing by, the local planning authority.

Notice in writing shall be given to the Council when the:

- (a) HMMP has been implemented; and
- (b) habitat creation and enhancement works as set out in the HMMP have been completed

The use shall not commence until:

- (a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- (b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and in accordance with East Herts District Plan policy NE3.

### **SUSTAINABLE DESIGN**

28. Prior to the commencement of any above ground construction works for the development hereby approved, details of the sustainability measures to be incorporated within the development shall be submitted to and approved in writing by the Local Planning Authority. These sustainability measures shall include details of:

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

The measures shall be fully implemented and completed prior to first occupation of each dwellinghouse or block of residential flats and the development and shall be maintained, in accordance with the approved details for the lifetime of the development.

Reason: In the interests of minimising carbon emissions and promoting sustainable design, in accordance with Policies CC1, CC2 and WAT4 of the East Herts District Plan (2018).

### **NO NOX OR LOW NOX BOILERS CONDITION**

29. The domestic heating systems shall not result in NOx emissions, unless gas-fired boilers are to be utilised in which situation they must meet a minimum standard of <40 mgNOx/kWh

Reason: In order to ensure an adequate level of air quality for residents of the new dwellings in accordance with policy EQ4 Air Quality of the adopted East Herts District Plan 2018 and in line with the East Herts Sustainability SPD and IAQM Guidance 2017

### **BROADBAND CONNECTIVITY**

30. Prior to the first occupation of the development hereby approved, details of the measures required to facilitate the provision of high-speed broadband connections shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery for high-speed broadband for each residential unit. Once approved, high-speed broadband infrastructure shall be implemented thereafter in accordance with the approved details, including the timetable and method of delivery.

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

### **ELECTRIC VEHICLE CHARGING POINTS**

31. Prior to the first occupation of the development hereby approved, details of the siting, type and specification of electric vehicle charging points (EVCPs), together with details of the energy sources and a management plan for the supply/maintenance of the EVCPs, shall be submitted to and

approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details and permanently maintained and retained thereafter. No dwelling shall be occupied until the EVCP serving that dwelling has been installed.

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

### **EXTERNAL LIGHTING**

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

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

### **FIRE HYDRANTS**

33. Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the fire hydrants have been installed as approved. Thereafter, the fire hydrants shall be retained in their approved form.  
Reason: To ensure fire safety, in line with Building Regulations and Policy DES5 of the East Herts District Plan 2018.

### **VEHICLE ACCESS**

34. Before first occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle access onto High Road and associated highway works, as shown indicatively on drawing number H208-2PD-005 A. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first occupation of the development.

Reason: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users in accordance with policy TRA2 of the East Herts District Plan 2018.

### **VISIBILITY SPLAYS**

35. Concurrent with the construction of the vehicle access, permanent visibility splays as shown on drawing number H208-2PD-005 A shall be provided. The northern splay of 2.4m X 61.7 metres and the southern

splay of 2.4m X 66 metres shall have no obstruction to visibility between 600mm and 2 metres above the carriageway level.

Reason: To ensure suitable visibility from the vehicle access, in the interest of highway safety in accordance with policy TRA2 of the East Herts District Plan 2018.

### **WIDER HIGHWAY WORKS**

36. Before occupation of any part of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of all improvement works to High Road as shown on drawing numbers H 5208-6PD-001 rev B. This includes but is not limited to:

Provision of a new footway on the western side of High Road, northbound to the point of the proposed signalised crossing, and a suitable signalised pedestrian crossing.

Widening of existing footway to the south of the Site entrance to 2 metres as shown in drawing number 5208-6PD-001 rev B

Supporting road markings (including relocation of school warning lights), signage and other associated highway features.

These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first occupation.

Reason: To ensure users of the development can travel safely, freely, and sustainably to High Cross centre and other key destinations in accordance with policy TRA1 of the East Herts District Plan 2018.

### **CROSSING DETAILS**

37. Before occupation of any part of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of a signalised crossing across High Road as shown in drawing number H5208-6PD-001 Rev B. This work shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first occupation.

Reason: To ensure users of the development can travel safely, freely, and sustainably to the High Cross centre and other key destinations in accordance with policy TRA1 of the East Herts District Plan 2018.

### **INTERNAL / LAYOUT**

38. Before the development hereby approved is first occupied, all on site vehicular areas shall be accessible, surfaced and marked in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises in accordance with policy TRA2 of the East Herts District Plan 2018.

### **CYCLE STORAGE**

39. Prior to first occupation, the provision of facilities for cycle storage shall be made to the satisfaction of the Local Planning Authority in accordance with details submitted at reserved matters stage.

Reason: To promote sustainable/active travel, in line with paragraphs 115-117 of the NPPF.

### **HARD SURFACED AREAS**

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

Reason: To ensure users of the development can travel safely, freely, and sustainably to the High Cross centre and other key destinations in accordance with policy TRA1 and TRA2 of the East Herts District Plan 2018.

### **CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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



in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:

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

Reason: To minimise the impact of the construction process on the on local environment and local highway network in accordance with policy TRA2 of the East Herts District Plan 2018.

## **INFORMATIVES**

1. Other legislation
2. Archaeological interest
3. Planning obligation
4. Street naming and numbering
5. BNG
6. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use

of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

7. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website 0300 1234047.
8. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
9. Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
10. Estate Road Adoption: The applicant is advised that Hertfordshire County Council as Highway Authority no longer adopts new highway as maintainable at the public expense unless a wider public benefit can be demonstrated. However, all internal roads should be built to adoptable standards. For any sections of highway that will not be adopted, the

developer should put in place a permanent arrangement for long term maintenance, and at the entrance of any such residential estates, a road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

11. A 'Bus Service and Accessibility Contribution' of £250,000, shall be made payable before commencement, index linked by CPT from January 2024 towards:
  - i) An improved 331 bus service through High Cross which will be pooled with other contributions from other nearby approved sites.
  - ii) To improve Bus infrastructure along the 331 bus route from Buntingford to Hertford.