
Appeal Decisions

Hearing held on 27-28 June 2017

Site visit made on 28 June 2017

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 July 2017

APPEAL A

Appeal Ref: APP/J1915/W/16/3163847

Land to south of Hadham Road, Bishop's Stortford, Hertfordshire, CM23 2PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Hertfordshire County Council (Development Services) against East Hertfordshire District Council.
 - The application Ref 3/14/2143/OP, is dated 21 November 2014.
 - The development proposed is 247 dwellings, alterations to Patmore Close, internal access and parking, landscaping, open space and related works.
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APPEAL B

Appeal Ref: APP/J1915/W/16/3163848

Land to south of Hadham Road, Bishop's Stortford, Hertfordshire, CM23 2PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Hertfordshire County Council (Development Services) against East Hertfordshire District Council.
 - The application Ref 3/14/2145/OP, is dated 21 November 2014.
 - The development proposed is 84 dwellings, alterations to Patmore Close, access road, internal access and parking, landscaping, open space and related works.
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Decisions

1. Appeal A is allowed and planning permission is granted for 247 dwellings, alterations to Patmore Close, internal access and parking, landscaping, open space and related works at Land to south of Hadham Road, Bishop's Stortford, Hertfordshire, CM23 2PY in accordance with the terms of the application, Ref 3/14/2143/OP, dated 21 November 2014, subject to the conditions contained in the attached Schedule.
2. Appeal B is allowed and planning permission is granted for 84 dwellings, alterations to Patmore Close, access road, internal access and parking, landscaping, open space and related works at Land to south of Hadham Road, Bishop's Stortford, Hertfordshire, CM23 2PY in accordance with the terms of the application, Ref 3/14/2145/OP, dated 21 November 2014, subject to the conditions contained in the attached Schedule.

Preliminary Matters

3. As set out above there are two appeals on this site. Appeal A is the larger of the two schemes. Appeal B is a smaller part of the site subject of Appeal A and so the two schemes could not be implemented contemporaneously. The maximum number of dwellings that could ultimately be built is 247, even if both appeals are allowed. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. The Council has already granted planning permission¹ for 163 dwellings on part of the site, within the site area of Appeal A but outside the site area of Appeal B. This remains extant and I have had regard to it in reaching my decisions.
5. The applications are submitted in outline with details of the access to be considered. Matters of appearance, landscaping, layout and scale are reserved for subsequent consideration. I have considered the appeals on this basis.

Main Issues

6. The Council did not make a formal decision in these cases but, following the submission of the appeals, resolved that it would have granted planning permission in both cases had it been empowered to do so. The parties also agreed a list of planning conditions and obligations during the appeal process in the event that planning permission was to be granted. As such, there was no dispute between the parties by the time of the hearing.
7. The main issues in the appeal are whether the site is suitable for residential development having regard to adopted and emerging planning policy; whether there is sufficient school capacity without the appeal site; and the effect on local sports pitch provision.

Reasons

Policy

8. It is agreed between the parties that the Council cannot currently demonstrate a deliverable five year housing land supply as required by the National Planning Policy Framework (the Framework)². As such, relevant policies for the supply of housing should not be considered up-to-date and housing applications should be considered in the context of the presumption in favour of sustainable development³.
9. For decision taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted⁴.

¹ 3/14/2144/OP

² Paragraph 47

³ Paragraph 49

⁴ Paragraph 14

10. Policy BIS2, in conjunction with HSG2, of the East Herts Local Plan Second Review (April 2007) (LP) allocates the appeal site⁵ for residential development and it is expected to accommodate 250 dwellings. Policy BIS7 deals specifically with the site and, amongst other things, states that the site will only be released for development if sufficient additional secondary school capacity is provided elsewhere in the town. Subject to this being the case, no conflict with the LP has been identified.
11. The emerging East Herts District Plan (emerging DP) has now been submitted to the Secretary of State for examination and seeks to alter the policy position in respect of the site. Policy BISH1 identifies that up to 163 homes will be accommodated on the Reserve Secondary School Site, contingent on the provision of a secondary school site at Bishop's Stortford North. Policy BISH4(c) would require retention and enhancement of the outdoor playing pitches in the western parcel of the site (the area subject of Appeal B). The appellant has submitted an objection to this policy approach and this is yet to be resolved. In light of this, and the fact that the emerging plan is yet to be independently tested, I attach these policies very limited weight in accordance with paragraph 216 of the Framework.
12. The site falls within the area covered by the Bishop's Stortford Town Council Neighbourhood Plan for Silverleys and Meads Wards (2014-2031) (NP). Policy EP2 of the NP supports the provision of a new secondary school at Bishop's Stortford North (a large development with planning permission to the north of Hadham Road). Residential development is generally supported, where it accords with the Strategic Housing Market Assessment. No conflict is identified with the NP.

School capacity

13. The site is only to be released for residential development where sufficient school capacity can be provided elsewhere. It is agreed between the parties that a site has been identified at Bishop's Stortford North (BSN) as an alternative to the appeal site and that a school of at least equal size to that which could be accommodated on the appeal site has already been granted planning permission. This would accommodate the need arising from BSN, the appeal sites and residual needs in the town.
14. I heard that this was subject to a land swap agreement and that the County Council would take control of the school site at BSN before development occurred on the appeal site, allowing it, as Local Education Authority, to bring the new school forward. It was also explained that there is a lack of school provision in the north of the town and that the site identified at BSN would provide a more accessible and generally preferable location for a new school in the town, particularly given the large amount of residential development anticipated in this area.
15. The Civic Federation questions the detailed analysis of the County Council in respect of the likely demand for school places but I heard that the amount of development expected in the emerging DP had been considered, as had the potential for pupils wishing to attend schools in the town from neighbouring authority areas. It was also explained that potential exists for the expansion of other schools in the town, including at the Bishop's Stortford School for Boys

⁵ Reserve Secondary School site, Hadham Road, Ref. 164

and Herts & Essex School for Girls, to increase capacity where necessary in the future.

16. Importantly, an extant planning permission already exists on the site for 163 dwellings and the parties confirmed that a school could not be accommodated on the site if this permission were implemented. The appellant confirmed that there is every intention to do so, albeit that it would be unlikely to undertake the development itself. This seems to me to be a likely fallback position which should be attached considerable weight and so the likelihood of a school coming forward on the site is now minimal. There is no detailed evidence before me that leads me to doubt the position of the main parties and I am satisfied that sufficient school capacity would remain available. As such, the development would accord with Policy BIS7 of the LP.

Sports pitch provision

17. The western field (site area of Appeal B) accommodated rugby pitches up until 2010 when use of the site for sports ceased. Whilst no sports pitches currently exist, Sport England object to the loss of sports pitches, noting that the pitches could be reinstated and provide a valuable sports facility.
18. The pitches had been used to provide additional training capacity for the adjacent rugby club which now utilises alternative space elsewhere. The Council accepted that there was a need for sports pitches in the area but both parties agree that the loss of potential sports pitches at the appeal site can be mitigated by the alternative sports pitches to be provided at the new school site and by a financial contribution to enhance the standard of the sports hall at the new school in line with Sport England standards.
19. The loss of a site capable of accommodating sport pitches would be unfortunate given the need in this part of the town and the specific benefits identified for the rugby club. However, I noted that the site is undulated and would not provide a good quality playing surface in its current form. Furthermore, the sports use ceased some time ago and there seems little prospect of the use being reinstated given the appellant's position.
20. Sport England consider that the new school site would be too far away from the existing rugby club to mitigate the loss of the potential pitches and notes that disaggregation of facilities does not support the clubs culture and preference to keep different age groups together in close proximity. However, the club has found alternative facilities which it has successfully been using since the sports pitches were removed from the site. Furthermore, the new school site would only be around 1km away from the existing rugby club. In my view, the alternative provision could be used by the rugby club if needed and the proposed new sports pitches and enhanced sports hall would provide a much greater public benefit in terms of the quality and availability of sports facilities than would be lost. I find no conflict with Policy LRC1 of the LP or paragraph 74 of the Framework.

Other matters

21. Some concerns have been raised regarding highways safety and capacity but the Transport Assessment (September 2014) (TA) and Transport Assessment Addendum (February 2015) provide a robust analysis of the likely impacts of the development and conclude that the highway network can accommodate the

proposed development, including the junction at Patmore Close which is shared by the fire and ambulance stations. In addition, the site is located close to a range of services and facilities and can be considered an accessible and sustainable location. The Council and the Local Highway Authority are satisfied that the development would not harm highway safety or capacity and I have no reason to reach a different conclusion.

22. The submitted Environmental Statement (ES) considered a range of issues, including landscape and visual impact; ecology and nature conservation; trees; geology, mineral and ground conditions; water; agriculture; social and economic impacts; historic building, conservation and archaeology; transportation; rights of way; noise and vibration; air quality; utilities and infrastructure; use of natural resources and waste. The ES was updated during the course of the appeal in respect of ecology; social-economic impacts; transportation; noise; and cumulative impacts. No significant impacts were identified and the parties are agreed that the development is acceptable in these regards, subject to appropriate conditions and obligations. There is no evidence before me that leads me to conclude otherwise.

Planning Obligations

23. The Council has sought a range of planning obligations, many of which would be collected on behalf of the County Council. The obligations are agreed between the parties and financial contributions have been calculated with regard to the County Council's Planning Obligations guidance – toolkit for Hertfordshire (January 2008) (Toolkit) and the Council's Planning Obligations Supplementary Planning Document (October 2008) (SPD). The submitted 'Statements in Support of Planning Obligations' set out how the obligations are considered to accord with Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010.
24. I am satisfied that there is a demonstrable need for affordable housing in accordance with policy HSG3 of the LP. The obligations provide for a policy compliant 40% provision in respect of Appeal B. Whilst Appeal A would provide only 30.7%, I accept that this reflects the lower level of provision secured through the planning permission already granted for a large proportion of the site. As Policy HSG3 allows for up to 40% provision, the development would be compliant.
25. The expected increase in the need for primary, early years and secondary school education resulting from the development has been calculated by reference to the Toolkit and capacity issues have been identified at local schools and nurseries. The need for contributions to increase capacity has been satisfactorily demonstrated. Similarly, capacity issues have been identified at Bishop's Stortford Library and a need for contributions in accordance with the Toolkit towards improved IT equipment and improvements to the newspaper and periodicals section is justified.
26. An obligation is included to fund fire hydrants within the development itself in accordance with the Toolkit. These are directly related to the appeal proposal and are necessary in the interests of public safety. Contributions are sought towards a range of sustainable transport measures such as upgrading pedestrian and cycle links, bus stops, highway and crossing improvements, as well as Travel Plan monitoring and a bus pass contribution. The need for such improvements is identified in the Transport Assessment and Addendum. The

works are necessary to ensure safe movement and encourage sustainable modes of travel. Contributions are calculated with reference to the Toolkit and estimated costs are provided for the various works.

27. A contribution is sought towards the upgrading of the existing sports hall to be provided at the new school within BSN and reflects the estimated cost for upgrading to Sport England standards. As set out above, this is necessary to mitigate the loss of the playing fields within the site. NHS Hertford has provided detailed information to demonstrate that the closest medical centres to the site are at capacity and would require enlargement to accommodate patients from the proposed development and I am satisfied that the health centre contribution is necessary.
28. The Council has confirmed that no more than five planning obligations would be pooled towards any one infrastructure project or type of infrastructure. I am satisfied that the above contributions accord with Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) and I have taken them into account in reaching my decision.
29. It is expected that Appeal A would generate 14.4 additional young people likely to require access to youth services, which the Toolkit explains, includes a range of facilities aimed at meeting the needs of 13-19 year olds. The Toolkit methodology, along with reference to other projects, has been used to calculate a contribution towards sound proofing and improved equipment for a sound studio and expansion of a gym, including improved equipment at the Northgate Centre. However, no evidence of any quality or capacity issues at the existing centre has been provided, nor have any detailed costings for the required works been submitted. Therefore, I am not satisfied that these contributions are necessary to make the development acceptable or that they are directly related to the development given the small number of young people expected to be generated. As such, they do not accord with Regulation 122 of the CIL Regulations and I have not taken them into account in reaching my decision.
30. A contribution is sought towards the provision of a new Household Waste Recycling Facility in the town as it is claimed that the existing facility is operating at capacity. A contribution has been calculated by reference to the cost a similar facility in Rickmansworth but no detailed scheme has been costed to which the contributions would be used. The contribution made by the appeal scheme would represent only a fraction of the expected cost. Little information as to how the remainder would be funded is available or details of how the facility would be brought forward within any reasonable timescale so as to be of use to future occupants of the development. The Toolkit advises that contributions towards the construction or improvement of waste disposal facilities will be considered but that such contributions would need to be justified by a robust technical assessment of need. This assessment is not before me and it has not been satisfactorily demonstrated that the existing facility (or other local facilities) have insufficient capacity to accommodate the 247 dwellings proposed. As such, I am not satisfied that the contribution is necessary to make the development acceptable and I have not taken it into account.
31. Contributions have been sought towards the provision of allotments; burial space; community buildings; and the display/storage and recording and

interpretation of archaeological finds (Rhodes contribution). The contributions sought are said to be consistent with the contributions made in respect of development granted planning permission at BSN and the planning permission within the site itself. However, no evidence as to how this was calculated or justified is before me. Whilst some of these contributions have been calculated with reference to the Planning Obligations SPD, there is no evidence as to the capacity of existing facilities in the area, the need resulting from this development or any firm proposals as to how the contribution would be spent. Again, I cannot conclude that these contributions are necessary to make the development acceptable and I have not taken them into account. Similarly, the provision of household recycling and refuse bins is part of the normal functions and responsibilities of the Council and it accepted that other funding, such as Council Tax receipts, could be considered. It was not demonstrated that this contribution is necessary.

32. With respect to the obligations I have found to be in conflict with Regulation 122, the Council has again confirmed that there would be no more than five contributions pooled towards a single project or type of infrastructure. However, the Council has sought to use a tariff approach and has identified a number of discreet projects, which it says should be viewed as separate infrastructure projects. Details of other obligations that would be pooled were not provided and it is unclear how the projects would ultimately be funded. In the absence of this information, there is real uncertainty as to whether the pooling restrictions introduced by Regulation 123 would be breached and I have reservations about the Council's approach. However, I need not consider this matter further given that I have determined not to take these obligations into account.

Conditions

33. The parties have agreed a list of conditions in the event that planning permission is granted. I have attached a condition clarifying the reserved matters but I have not included the suggested provisions that would allow enabling works and earthworks prior to the approval of reserved matters as the majority of these works do not constitute development in any case and it is not appropriate for works to commence until the ultimate detail of the scheme is known. I have imposed the statutory timescales for the submission of reserved matters applications and commencement of development to prevent an accumulation of planning permissions. I do not consider that the longer timescales agreed between the parties has been justified, notwithstanding the need for negotiations with the owners of the new school site. This is particularly so, given that the emerging DP seeks to alter the policy position on the site. I have listed the approved plans in the interest of clarity.
34. I have attached a requirement for details of phasing and clarified the scope of details required at the reserved matters stage to ensure that infrastructure comes forward at the appropriate time and to ensure a high quality design. Details of ground levels are needed to ensure an appropriate appearance for the development and to protect the living conditions of neighbouring occupants. A condition secures a children's play area in respect of Appeal A only, to ensure that sufficient provision is available for the number of residents anticipated.

35. A surface water drainage scheme is required to prevent flooding, protect water quality and improve habitat. A Green Infrastructure and Biodiversity Management Plan is secured to ensure that biodiversity is appropriately managed and enhanced, as well as a Management Plan for Skelleys Wood which would be likely to be utilised by residents of the site and is an ecological asset. Tree and hedgerow protection is necessary, as is detailed information in respect of the proposed landscaping of the site and proposals for maintenance to maintain and enhance biodiversity, the appearance of the site and to protect neighbours' living conditions. A bat roost assessment and details of the proposed reptile receptor site are needed in accordance with the ES, to ensure that harmful impacts on ecology are mitigated.
36. I have not attached a requirement for a review of transport impacts after 5 years along with provisions for mitigation if traffic exceeds expectations. The application is accompanied by a detailed TA and TA Addendum and the Council accepts that no significant impacts will result on the highway network. Under these circumstances, the proposed condition is not reasonable or necessary to make the development acceptable. I have attached a requirement for a Travel Plan to promote sustainable modes of travel. For the same reason, and to improve permeability, a foot and cycle link onto Hadham Road is necessary in respect of Appeal A, which adjoins Hadham Road. However, I have not included such a requirement to the south of the site because any link would be required to cross third party land and there is no certainty that this would be achievable. Ultimately, the Council accept that this link is not necessary to make the development acceptable and so it would not meet the tests for conditions contained within the Framework.
37. A Construction Management Plan is required to minimise the impact of construction on the environment, local residents and the highway network, including the adjacent emergency services buildings and parking areas. Given the identified potential for archaeological remains within the site, a programme of archaeological work and recording is necessary.
38. I have not attached a condition requiring a water conservation standard of 110 litres per person per day as the Council has not identified a development plan policy to enact such a requirement and a more stringent requirement above the Building Regulations has not been justified. It would not be reasonable to impose such a requirement. Similarly, there is no policy requirement for construction training and there is insufficient evidence to suggest that this is necessary to make the development acceptable.
39. A scheme for soil decontamination is necessary in the interests of human health. Piling works and construction hours are controlled to protect the living conditions of neighbouring occupants.
40. I have altered the wording of the proposed conditions as necessary to improve their precision and otherwise ensure compliance with the tests for conditions contained within the Framework and Planning Practice Guidance.

Conclusions

41. The appeal sites represent an appropriate location for residential development and would be in accordance with Policies HSG2, BIS2 and BIS7 of the LP. Sufficient education capacity and sports pitch provision would remain in the town. The proposals accord with the development plan and would make a

valuable contribution to the Council's housing land supply. As such, planning permission should be granted without delay.

42. In light of the above, and having considered all other matters, the appeals are allowed.

Michael Boniface

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Nathalie Lieven QC	Counsel
Richard Lewis	Agent
Damian Ogbonnaya	Solicitor, HCC
Andrea Gilmour	Principal Planning Officer, HCC
Dick Bowler	Estate Manager, HCC
Simon Newland	Operations Director for Education, HCC

FOR THE LOCAL PLANNING AUTHORITY:

Kevin Steptoe	Head of Planning and Building Control
Jenny Pierce	Principal Planning Officer

INTERESTED PERSONS:

John Rhodes	President, Civic Federation
Tim Page	Local Ward Member and Chair of Planning Committee

DOCUMENTS SUBMITTED DURING THE HEARING

- 1 S106 agreement for Appeal A
- 2 S106 agreement for Appeal B
- 3 Statement in support of planning obligations (Appeal A)
- 4 Statement in support of planning obligations (Appeal B)
- 5 Planning obligations guidance – toolkit for Hertfordshire
- 6 E-mail from Sport England dated 26 June 2017
- 7 Policy extracts
- 8 Authority Monitoring Report 2015-16 (December 2016)
- 9 Extract from 'Appraisal of alternative site options', Pages 21-24
- 10 Pages 54-59 of the of the Pre-Submission District Plan Consultation 2016
- 11 Side agreement (Appeal A)
- 12 Side agreement (Appeal B)
- 13 Note on Sustainable Transport Contribution

Schedule of Conditions – Appeal A

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to the submission of any reserved matters application, a site wide phasing or sequencing programme shall be submitted to and approved in writing by the Local Planning Authority. The programme shall include details of the proposed sequence of development across the entire site, and the extent and location of any individual development phases including the type of development in each phase. The sequencing programme shall include details for the delivery of:-
 - i) access infrastructure including roads, footpaths, cycleways and parking areas;
 - ii) off-site highway infrastructure including highway improvements and the provision of a pedestrian refuge in Hadham Road to provide a crossing point to the eastbound bus stop on its north side;
 - iii) the timing and means of closure of any existing access point not included in the reserved matters;
 - iv) green infrastructure, play areas & SuDs.

No development shall commence until the phasing or sequencing programme has been approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved programme.

- 5) The reserved matters applications shall be accompanied by the following details:
 - i) The location and design of any recycling and refuse stores;
 - ii) The design, layout and materials of the internal roads, driveways, footways, drainage areas, car parking areas and cycleways;
 - iii) Detailed plans of all proposed new highway infrastructure or modifications to existing highway infrastructure;
 - iv) Written details to demonstrate that the impact of the noise, disturbance and activity from the adjacent emergency services centre on Patmore Close would not result in unacceptable harm to the amenities of the future residents of the application site having regard to the recommendations in the submitted Environmental Statement (Appendix 17.1, Sharps Redmore, November 2014).
 - v) The provision of secure cycle storage facilities for residents, and the design and location of cycle parking facilities which will not be provided as part of individual residential buildings;

- vi) Any parking, turning, manoeuvring, loading/unloading areas not being provided as part of individual residential, commercial or community buildings;
- vii) A Waste Management Plan;
- viii) Details of any external lighting, taking into account and mitigating the effect on hedgerows, trees and woodland sensitive for foraging and commuting bats; and
- ix) Details of the disposal of foul sewage.

The development shall be carried out in accordance with the details approved.

- 6) No development shall commence until approval of the details of the ground works comprising ground levels and any importation and exportation details have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out as approved.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans: 5051-100A, 5051-102B, 5051-104A and Hcc.hadhamrd.1/Hadham Rd.
- 8) No more than 10 dwellings shall be occupied until full details of the equipment and surfacing of the children's play area (which shall comprise 1 LEAP) and the timing of its provision have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 9) No development apart from access works shall commence until a Sustainable Drainage System (SuDS) Plan setting out a detailed and integrated surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system will be based on an assessment of the potential for disposing of surface water by means of a SuDS as set out in the NPPF and National Planning Practice Guidance and shall take into account two documents submitted by Vincent & Gorbing for Herts CC: "Flood Risk Assessment (FRA) Stage 2, 548561SAK, 08 May 2008"; and "Drainage Strategy, K55023, 07 April 2008". The submitted details in the Plan shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and
 - iii) provide details of the management tasks and maintenance schedules required for the system for the lifetime of the development.

Thereafter, the scheme shall be implemented in accordance with the approved timetable.

- 10) No building shall be occupied until a detailed Green Infrastructure and Biodiversity Management Plan (the GIBM Plan) has been submitted to and approved in writing by the Local Planning Authority. The GIBM Plan shall include:

- i) a description and evaluation of the features to be managed, including Skelleys Wood, and ecological trends and constraints on site;
- ii) long term design and management objectives, including management of the interface between people and nature; and
- iii) management tasks and maintenance schedules for all areas of public open space and landscaping.

Thereafter the development shall be carried out, managed, and maintained in accordance with the approved GIBM Plan.

- 11) No development shall commence until details of the specification and position of fencing and of any other measures to be taken for the protection from damage of any retained tree or hedging before or during the course of development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
 - 12) The reserved matters shall be accompanied by full details of both hard and soft landscape proposals. These details shall include, as appropriate:
 - i) Plans at a scale that will clearly identify the boundaries of all areas of green infrastructure, including play areas, amenity areas, boundary hedgerows, verges and other landscaped areas adjacent to highways, footpaths and cycleways, greenways and corridors;
 - ii) Proposed finished levels or contours;
 - iii) Positions, design, materials and type of boundary treatment to be erected;
 - iv) Hard surfacing materials;
 - v) Minor artefacts and structures (e.g. street furniture, refuse or other storage units and signs); and
 - vi) Soft landscaping details, to include:
 - (a) Planting plans including positions for all tree, hedge and shrub planting;
 - (b) Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - (c) Schedules of plants, noting species, planting sizes, proposed numbers and densities; and
 - (d) Implementation timetables including time of planting.
- The scheme shall be carried out and maintained as such in accordance with the approved details.
- 13) If, within a period of five years from the date of the planting of any tree approved as part of the landscaping reserved matters, or any tree planted in replacement for it, that tree is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.
 - 14) Prior to the commencement of development a Travel Plan for the development as a whole shall be submitted to and approved in writing by

the Local Planning Authority. The Travel Plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, further mitigation, timescales, phasing programme and on-site management responsibilities. The Travel Plan shall include but not be limited to the following:

- i) Travel information through a community travel website and travel packs for residents when they move into their homes;
- ii) Provision of initial free travel for one year for residents using local bus services;
- iii) Provision of cycle training and a cycle buddy scheme;
- iv) Provision of a car sharing scheme operating through a community travel website to encourage residents to share cars;
- v) Commitment to undertake and submit for written approval an Annual Performance Report, which shall include remedies or measures to secure the objectives and targets of the Travel Plan commencing 9 months from the date of first occupation and for five years following the occupation of the last dwelling.

The Travel Plan shall be implemented as agreed and subject to regular review in accordance with the approved details.

- 15) The reserved matters shall include the provision of foot and cycle links between the site and Hadham Road at a point close to the North West corner of the site where it is adjacent to that road. The links shall be provided as part of the development and shall be made available for use prior to the first occupation of any residential development.
- 16) The reserved matters shall be accompanied by a Construction Management Plan which shall be submitted to, and approved in writing by, the Local Planning Authority, prior to the commencement of development. The Construction Management Plan shall provide for:
 - a) Hours of operation, including times when deliveries will be allowed;
 - b) Measures to minimise the number of vehicle trips by employees during construction;
 - c) The parking of vehicles of site operatives and visitors;
 - d) The number and routing of vehicles accessing / egressing the proposed development (including delivery vehicles and site access and including any haul routes). Also including, in consultation with the emergency services, arrangements and controls at the access to ensure that retained fire fighters have unobstructed access to their station on Patmore Close when responding to emergency call-out;
 - e) Management of traffic to reduce congestion;
 - f) Facilities and arrangements for loading and unloading of plant and materials;
 - g) Storage of plant and materials used in constructing the development;
 - h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - i) Protocol for the handling of soil;
 - j) Wheel washing facilities;

k) Measures to control the emission of dust and dirt during construction (including public highway);

l) Measures to mitigate the noise from construction to benefit the occupiers of existing properties, based on the advice in Appendix 17.2 of the submitted Environmental Statement, prepared by Sharps Redmore and dated November 2014;

m) Measures to prevent the pollution of any watercourse;

n) Waste management, including a scheme for recycling/disposing of waste resulting from demolition and construction works;

o) The management of any crossings of the public highway or rights of way; and

p) Arrangements for consultations with neighbours and complaints management during construction.

Thereafter the construction of the development shall accord with the approved Construction Management Plan.

17) No dwelling shall be occupied until a management plan for Skelleys Wood, adjoining the site, has been submitted to and approved in writing by the Local Planning Authority, to include the following matters:

- i) a survey and appraisal of the existing woodland, including its ecology, drainage, footpaths and condition;
- ii) a strategy for a twenty year period that will create a woodland that is more biodiverse but which can also fulfil the function of a local amenity for the enjoyment of residents and walkers and provide footpath/cycle links into the wider network of footpaths and cycleways;
- iii) opportunities to integrate woodland drainage with SuDS in the housing development hereby approved; and
- iv) a management and investment plan that will fulfil the strategy, including responsibilities for its day to day delivery.

Thereafter the woodland will be managed in accordance with the plan.

18) No development shall take place within the site until a programme of archaeological work has been undertaken in accordance with a written scheme of investigation, which has been submitted to the Local Planning Authority and approved in writing. The development shall thereafter be carried out in accordance with the approved scheme and will 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.

19) The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the LPA and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures, and should comply with BS10175:2011, unless the LPA dispenses with any such requirement specifically and in writing:

- a) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or

groundwater contamination and its implications. The site investigation shall not be commenced until

(i) a desk-top study has been completed satisfying the requirements of paragraph (a) above;

(ii) The requirements of the LPA for site investigations have been fully established; and

(iii) The extent and methodology have been agreed in writing with the LPA.

Copies of a report on the completed site investigation shall be submitted to the LPA without delay on completion.

b) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

- 20) If percussion piling is considered the most appropriate method of foundation construction then prior to commencement of development, a justification statement detailing why percussion piling has been deemed the most appropriate method of foundation construction, and the proposed degree of control measures proposed, having considered the proximity of the site to noise sensitive premises, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.
- 21) In connection with all site preparation and construction works, no plant or machinery shall be operated on the site or beyond it and in association with the site preparation and construction works outside the following hours: 0730hrs to 1830hrs on Monday to Friday, 0730hrs to and 1300hrs on Saturdays, and at no time on Sundays or public holidays unless otherwise agreed in writing by the Local Planning Authority.
- 22) Before any development is commenced:
- i) a preliminary bat roost assessment must be carried out of any trees to be removed to facilitate the development, in accordance with the Bat Conservation Trust's Good Practice Guidelines, 2nd Edition;
 - ii) if suitable features are identified for roosting or foraging further detailed surveys must be carried out (only during the months when the bats are active and not hibernating), including aerial inspections and dusk/dawn re-entry surveys;
 - iii) if protected species would be affected, a mitigation plan shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall accord with the approved mitigation plan.
- 23) Prior to the commencement of development, details of the reptile receptor site shall be submitted to and approved in writing by the Local Planning Authority, to include:
- i) the location and suitability as a receptor;
 - ii) provisions for its long-term management, including any necessary funding; and

- iii) a timetable for the relocation of the grass snakes and any other reptiles from the application site.

Once approved the development, including the relocation of grass snakes and any other reptiles shall be implemented in accordance with the approved details.

Schedule of Conditions – Appeal B

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to the submission of any reserved matters application, a site wide phasing or sequencing programme shall be submitted to and approved in writing by the Local Planning Authority. The programme shall include details of the proposed sequence of development across the entire site, and the extent and location of any individual development phases including the type of development in each phase. The sequencing programme shall include details for the delivery of:-
 - i) access infrastructure including roads, footpaths, cycleways and parking areas;
 - ii) off-site highway infrastructure including highway improvements and the provision of a pedestrian refuge in Hadham Road to provide a crossing point to the eastbound bus stop on its north side;
 - iii) the timing and means of closure of any existing access point not included in the reserved matters;
 - iv) green infrastructure, play areas & SuDs.

No development shall commence until the phasing or sequencing programme has been approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved programme.

- 5) The reserved matters applications shall be accompanied by the following details:
 - i) The location and design of any recycling and refuse stores;
 - ii) The design, layout and materials of the internal roads, driveways, footways, drainage areas, car parking areas and cycleways;
 - iii) Detailed plans of all proposed new highway infrastructure or modifications to existing highway infrastructure;
 - iv) The provision of secure cycle storage facilities for residents, and the design and location of cycle parking facilities which will not be provided as part of individual residential buildings;
 - v) Any parking, turning, manoeuvring, loading/unloading areas not being provided as part of individual residential, commercial or community buildings;
 - vi) A Waste Management Plan;
 - vii) Details of any external lighting, taking into account and mitigating the effect on hedgerows, trees and woodland sensitive for foraging and commuting bats; and

viii) Details of the disposal of foul sewage.

The development shall be carried out in accordance with the details approved.

- 6) No development shall commence until approval of the details of the ground works comprising ground levels and any importation and exportation details have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out as approved.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans: 5051-300A, 5051-302B, 5051-304A and Hcc.hadhamrd.1/Hadham Rd.
- 8) No development apart from access works shall commence until a Sustainable Drainage System (SuDS) Plan setting out a detailed and integrated surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system will be based on an assessment of the potential for disposing of surface water by means of a SuDS as set out in the NPPF and National Planning Practice Guidance and shall take into account two documents submitted by Vincent & Gorbing for Herts CC: "Flood Risk Assessment (FRA) Stage 2, 548561SAK, 08 May 2008"; and "Drainage Strategy, K55023, 07 April 2008". The submitted details in the Plan shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and
 - iii) provide details of the management tasks and maintenance schedules required for the system for the lifetime of the development.Thereafter, the scheme shall be implemented in accordance with the approved timetable.
- 9) No building shall be occupied until a detailed Green Infrastructure and Biodiversity Management Plan (the GIBM Plan) has been submitted to and approved in writing by the Local Planning Authority. The GIBM Plan shall include:
 - i) a description and evaluation of the features to be managed, including Skelleys Wood, and ecological trends and constraints on site;
 - ii) long term design and management objectives, including management of the interface between people and nature; and
 - iii) management tasks and maintenance schedules for all areas of public open space and landscaping.Thereafter the development shall be carried out, managed, and maintained in accordance with the approved GIBM Plan.
- 10) No development shall commence until details of the specification and position of fencing and of any other measures to be taken for the protection from damage of any retained tree or hedging before or during the course of development have been submitted to and approved in

writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

- 11) The reserved matters shall be accompanied by full details of both hard and soft landscape proposals. These details shall include, as appropriate:
 - i) Plans at a scale that will clearly identify the boundaries of all areas of green infrastructure, including play areas, amenity areas, boundary hedgerows, verges and other landscaped areas adjacent to highways, footpaths and cycleways, greenways and corridors;
 - ii) Proposed finished levels or contours;
 - iii) Positions, design, materials and type of boundary treatment to be erected;
 - iv) Hard surfacing materials;
 - v) Minor artefacts and structures (e.g. street furniture, refuse or other storage units and signs); and
 - vi) Soft landscaping details, to include:
 - (a) Planting plans including positions for all tree, hedge and shrub planting;
 - (b) Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - (c) Schedules of plants, noting species, planting sizes, proposed numbers and densities; and
 - (d) Implementation timetables including time of planting.

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

- 12) If, within a period of five years from the date of the planting of any tree approved as part of the landscaping reserved matters, or any tree planted in replacement for it, that tree is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.
- 13) Prior to the commencement of development a Travel Plan for the development as a whole shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, further mitigation, timescales, phasing programme and on-site management responsibilities. The Travel Plan shall include but not be limited to the following:
 - i) Travel information through a community travel website and travel packs for residents when they move into their homes;
 - ii) Provision of initial free travel for one year for residents using local bus services;
 - iii) Provision of cycle training and a cycle buddy scheme;
 - iv) Provision of a car sharing scheme operating through a community travel website to encourage residents to share cars;
 - v) Commitment to undertake and submit for written approval an Annual Performance Report, which shall include remedies or measures to

secure the objectives and targets of the Travel Plan commencing 9 months from the date of first occupation and for five years following the occupation of the last dwelling.

The Travel Plan shall be implemented as agreed and subject to regular review in accordance with the approved details.

- 14) The reserved matters shall be accompanied by a Construction Management Plan which shall be submitted to, and approved in writing by, the Local Planning Authority, prior to the commencement of development. The Construction Management Plan shall provide for:
- a) Hours of operation, including times when deliveries will be allowed;
 - b) Measures to minimise the number of vehicle trips by employees during construction;
 - c) The parking of vehicles of site operatives and visitors;
 - d) The number and routing of vehicles accessing / egressing the proposed development (including delivery vehicles and site access and including any haul routes). Also including, in consultation with the emergency services, arrangements and controls at the access to ensure that retained fire fighters have unobstructed access to their station on Patmore Close when responding to emergency call-out;
 - e) Management of traffic to reduce congestion;
 - f) Facilities and arrangements for loading and unloading of plant and materials;
 - g) Storage of plant and materials used in constructing the development;
 - h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - i) Protocol for the handling of soil;
 - j) Wheel washing facilities;
 - k) Measures to control the emission of dust and dirt during construction (including public highway);
 - l) Measures to mitigate the noise from construction to benefit the occupiers of existing properties, based on the advice in Appendix 17.2 of the submitted Environmental Statement, prepared by Sharps Redmore and dated November 2014;
 - m) Measures to prevent the pollution of any watercourse;
 - n) Waste management, including a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - o) The management of any crossings of the public highway or rights of way; and
 - p) Arrangements for consultations with neighbours and complaints management during construction.

Thereafter the construction of the development shall accord with the approved Construction Management Plan.

- 15) No dwelling shall be occupied until a management plan for Skelleys Wood, adjoining the site, has been submitted to and approved in writing by the Local Planning Authority, to include the following matters:
- i) a survey and appraisal of the existing woodland, including its ecology, drainage, footpaths and condition;
 - ii) a strategy for a twenty year period that will create a woodland that is more biodiverse but which can also fulfil the function of a local amenity for the enjoyment of residents and walkers and provide footpath/cycle links into the wider network of footpaths and cycleways;
 - iii) opportunities to integrate woodland drainage with SuDS in the housing development hereby approved; and
 - iv) a management and investment plan that will fulfil the strategy, including responsibilities for its day to day delivery.

Thereafter the woodland will be managed in accordance with the plan.

- 16) No development shall take place within the site until a programme of archaeological work has been undertaken in accordance with a written scheme of investigation, which has been submitted to the Local Planning Authority and approved in writing. The development shall thereafter be carried out in accordance with the approved scheme and will 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.
- 17) The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the LPA and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures, and should comply with BS10175:2011, unless the LPA dispenses with any such requirement specifically and in writing:
- a) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until
 - (i) a desk-top study has been completed satisfying the requirements of paragraph (a) above;
 - (ii) The requirements of the LPA for site investigations have been fully established; and
 - (iii) The extent and methodology have been agreed in writing with the LPA.
- Copies of a report on the completed site investigation shall be submitted to the LPA without delay on completion.
- b) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

- 18) If percussion piling is considered the most appropriate method of foundation construction then prior to commencement of development, a justification statement detailing why percussion piling has been deemed the most appropriate method of foundation construction, and the proposed degree of control measures proposed, having considered the proximity of the site to noise sensitive premises, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.
- 19) In connection with all site preparation and construction works, no plant or machinery shall be operated on the site or beyond it and in association with the site preparation and construction works outside the following hours: 0730hrs to 1830hrs on Monday to Friday, 0730hrs to and 1300hrs on Saturdays, and at no time on Sundays or public holidays unless otherwise agreed in writing by the Local Planning Authority.
- 20) Before any development is commenced:
 - i) a preliminary bat roost assessment must be carried out of any trees to be removed to facilitate the development, in accordance with the Bat Conservation Trust's Good Practice Guidelines, 2nd Edition;
 - ii) if suitable features are identified for roosting or foraging further detailed surveys must be carried out (only during the months when the bats are active and not hibernating), including aerial inspections and dusk/dawn re-entry surveys;
 - iii) if protected species would be affected, a mitigation plan shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall accord with the approved mitigation plan.
- 21) Prior to the commencement of development, details of the reptile receptor site shall be submitted to and approved in writing by the Local Planning Authority, to include:
 - i) the location and suitability as a receptor;
 - ii) provisions for its long-term management, including any necessary funding; and
 - iii) a timetable for the relocation of the grass snakes and any other reptiles from the application site.

Once approved the development, including the relocation of grass snakes and any other reptiles shall be implemented in accordance with the approved details.