

Land East of High Road, High Cross, East Hertfordshire Planning Statement

**Planning Application for Residential and Associated
Development**

M Scott Properties Ltd and Messrs R, C and G Parkins

08 January 2024

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1.0 Introduction

1.1 This Planning Statement has been prepared by Lichfields, on behalf of M Scott Properties Ltd and Messrs R, C and G Parkins (the ‘Applicant’) to accompany an outline planning application with all details reserved save for access, for the following development at Land East of High Road, High Cross (the ‘Site’).

“Outline planning application, with all matters reserved save for means of access, for C3 residential development (up to 95 dwellings) and associated landscaping, open space, pedestrian and cycle linkages, internal roads, drainage and sewerage (including SUDS) and associated infrastructure, together with land for cemetery, education and allotment uses.”

1.2 This application follows 2x pre-application advice requests which the Applicant submitted to East Hertfordshire District Council (‘EHDC’), in October 2017 (written advice of 12 January 2018- ref. M/17/0197/MPREAPP) and in November 2018 (written advice of 12 March 2019- ref. M/18/0035/MPREAP) for residential-led development proposals for the site.

1.3 In preparing this application, consideration has been given to the pre-application feedback and a consultation event held with local residents on 17 October 2023.

1.4 This Planning Statement provides details of the planning context, application site, planning history, pre-application engagement, the proposed development and policy framework, before then assessing how the proposed development accords with relevant planning policies.

Application Submission

1.5 This Planning Statement draws upon all other elements of the application submission comprising:

- 1 Planning Application Form, Certificate B and Agricultural Land Declaration;
- 2 Covering Letter; prepared by Scott Properties
- 3 Site Location Plan (ref. 70-13), prepared by Scott Properties;
- 4 Proposed Access to Serve Residential Development and Sutes Farm (ref. U321-PL-SK-201 Rev P05), prepared by Cannon Consulting Engineers
- 5 Parameter Plans, prepared by Scott Properties including:
 - Parameter Plan 1- Land Use & Landscape (ref. 70-10 Rev -)
 - Parameter Plan 2- Access & Movement (ref. 70-11 Rev-)
 - Parameter Plan 3- Building Heights & Density (ref. 70-12 Rev-)
- 6 Topographical Survey, prepared by BB Surveys
- 7 Illustrative Concept Master Plan-01 (ref. ICMP-01 Rev P1), prepared by Thrive Architects;

- 8 Design and Access Statement, prepared by Thrive Architects;
- 9 Statement of Community Involvement, prepared by Scott Properties;
- 10 Transport Assessment, prepared by Cannon Consulting Engineers;
- 11 Flood Risk Assessment (including Surface Water Drainage Assessment), prepared by Cannon Consulting;
- 12 Phase 1 Desk Study, prepared by Geosphere Environmental
- 13 Ecology Survey-PEA, prepared by Geosphere Environmental
- 14 Arboricultural Report, Biodiversity Questionnaire, prepared by Geosphere Environmental
- 15 Agricultural Land Classification Report, prepared by Terra Analytical
- 16 Landscape Visual Impact Assessment, prepared by Nicholsons
- 17 Heritage Statement, prepared by Smith Jenkins
- 18 Archaeological Assessment, prepared by RPS
- 19 Noise Impact Assessment, prepared by Quantum Acoustics
- 20 Air Quality Assessment, prepared by Mayer Brown
- 21 Sustainable Construction, Energy & Water Statement, prepared by Hydrock
- 22 Health Impact Assessment, prepared by Scott Properties

Structure of Statement

- 1.6 This Planning Statement is divided into the following subsequent sections:
- Section 2 describes High Cross, Thundridge Parish and the district's housing need, so providing the place and need planning context;
- Section 3 describes the site and the applicable planning designations;
- Section 4 identifies the relevant planning history;
- Section 5 describes the pre-application engagement undertaken;
- Section 6 describes the proposed development;
- Section 7 identifies the relevant planning policy and guidance, and the planning considerations arising;
- Sections 8-15 assess the application proposal against those planning considerations;
- Section 16 provides the draft Heads of Terms for the proposed planning obligations; and
- Section 17 sets out our conclusions.

2.0 **Planning Context**

East Herts Housing Need

- 2.1 The East Herts District Plan (EHDP, 2018, para 2.3.4) recognises that housing is one of the key issue issues and challenges in EHDC, identifying the pressing need for more affordable housing and the balance that is needed in achieving housing development that responds to local needs, whilst recognising the environmental and other constraints in the District.
- 2.2 In East Herts, Policy DPS1 (Housing, Employment and Growth) identifies that the Council will provide a minimum of 18,458 new homes in the 22-year plan period to 2033, or 839 dwellings per annum.
- 2.3 However, housing completions in East Herts have not met target over the last 5 record years, averaging 801 dwelling per annum¹, equating to 95% of the Local Plan target. As detailed within our 'East Herts 5YHLS Review Note' (Appendix 1 of this Statement), EHDC cannot demonstrate a 5YHLS – with the position being at most 4.87 years (when accounting for amends to the calculation arising from the revised NPPF and site amends).
- 2.4 The EHDP has recently become more than 5-years old (on 23rd Oct) and EHDC have concluded via a Reg.10a review that their housing requirement needs updating.

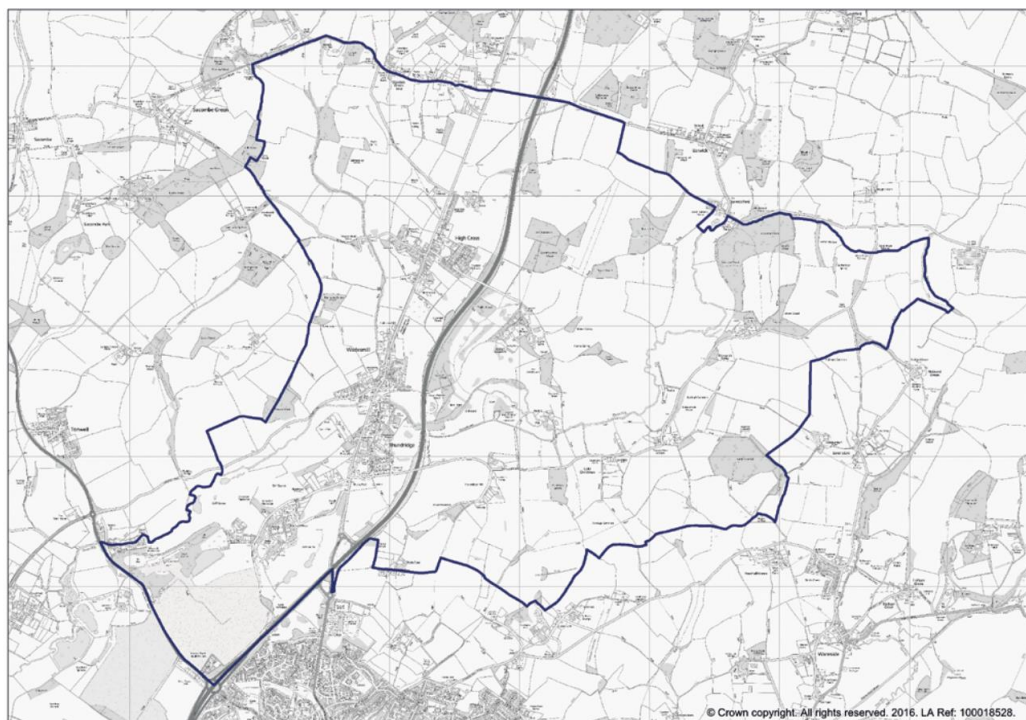
Thundridge Parish

- 2.5 The parish of Thundridge, as shown at Figure 2.1, has a population of 1,406 people and includes 578 households and is a rural area concentrated in the three linear villages of Thundridge, Wadesmill and High Cross, with High Cross the largest settlement. It has an ageing population with 20.2% of the population aged 65 or over (compared to 15.4% for East Herts) ².

¹ East Herts: Five Year Land Supply Position Statement (November 2022)

² Thundridge Neighbourhood Plan (pg. 11 Basic Statistics (2011 Census Parish Profile))

Figure 2.1 Thundridge Parish Boundary (for Neighbourhood Plan)



Source: Thundridge Neighbourhood Plan (July 2021)

- 2.6 The EHDP (2018) identifies that both High Cross and Thundridge & Wadesmill (grouped as a single settlement) are ‘Group 2 Villages’. In the previous version of the East Herts Local Plan (2007), High Cross was a ‘Group 1 Village’ (see Saved Policy OSV1 Category 1 Villages).
- 2.7 The EHDP identifies (para 10.3.8) that Group 2 Villages are “*generally smaller villages where limited infill development, together with small-scale employment, leisure, recreation and community facilities will be permitted. This development should take place within the village development boundary as defined on the Policies Map.*”
- 2.8 In comparison Group 1 Villages (see EHDP para 10.3.2) are “*the most sustainable villages in the District. In these villages development for housing, employment, leisure, recreation and community facilities will be permitted. Growth in these areas will help to sustain existing shops, services and facilities, deliver affordable housing, provide local job opportunities and deliver community benefits.*”
- 2.9 Group 1 Villages are expected to accommodate at least 500 new homes, between 2017-2033 with an overall housing requirement for each Group 1 village to accommodate at least a 10% increase in its housing stock (based on the 2011 census) (see EHDP paras 10.3.1 and 10.3.3).
- 2.10 The vision of the Thundridge Neighbourhood Plan (TNP), made in July 2021, is (at chapter 4):
- “The Neighbourhood Plan will guide the future development and evolution of the villages and hamlets of our rural parish over the next 15 years and retain its separation from the town of Ware. It will conserve the traditional and tranquil character of the parish and be*

inspirational in planning its future and so ensuring an attractive, safe, sociable and sustainable community in which to live and work.”

2.11 The vision is to be realised through a series of 10 objectives:

- a *Preserve and enhance the character of the built environment in the villages and recognise the significance of heritage assets including landscapes, conservation areas, listed buildings and other historic features and areas.*
- b *Maintain important views, green corridors and local wildlife areas and provide extra protection for the most special green spaces for future generations to enjoy*
- c *Mitigate against the impact of climate change and promote the use of renewable energy in new development and by encouraging retrofitting of existing properties to reduce the environmental impact of an increasing number of residents in the parish*
- d *Develop and expand existing facilities in a sustainable manner, making better use of green spaces and protecting assets of community value*
- e *Encourage visitors to the parish’s many historically important sites of interest*
- f *Maintain existing businesses by providing what they need to stay within the parish*
- g *Provide better car parking facilities to reduce the amount of on-street parking throughout Thundridge, Wadesmill and High Cross*
- h *Manage the effects of increased traffic through the parish and encourage the provision of sustainable transport*
- i *Provide a mix of housing types, including smaller units for older people, and starter homes for young people in accordance with locally defined needs*
- j *Ensure that new development is built to a high standard of design which reinforces local distinctiveness and character.*

2.12 Limbs i) and j) are of greatest relevance to residential development. The TNP (para 5.43) comments on the EHDP housing policies on the location of additional housing:

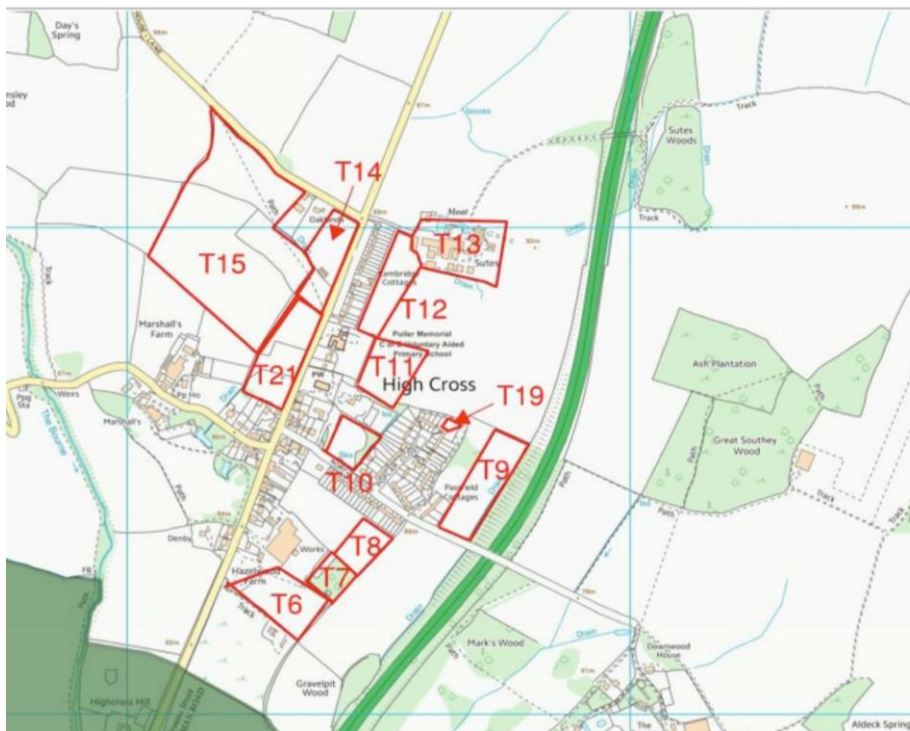
“Village policies are contained in Chapter 10 of the District Plan. In Policy VILL2, High Cross, and Thundridge and Wadesmill area classified as Group 2 villages... In High Cross, which is a Group 2 Village, development would normally be limited to areas within the defined village boundary. The District Plan, in policy VILL2, states that, in addition to limited infill development, small-scale development identified in an adopted Neighbourhood Plan will be permitted. A full assessment of potential housing sites was carried out in the process of preparing the Neighbourhood Plan (see Thundridge Neighbourhood Plan 2018 – 2033 Site Assessment Process Background Document). Following the Independent Examination of the Neighbourhood Plan, no housing site allocations have been included.”

The use of the word ‘normally’ within VILL2 means that exceptions to housing development on infill or on identified Neighbourhood Plan sites are contemplated in Group 2 villages.

High Cross

- 2.13 High Cross is a village located within the parish of Thundridge, in East Hertfordshire District, in Hertfordshire.
- 2.14 High Cross has a population of 853³ people. The village is served by a Spar convenience shop and petrol filling station, High Cross Village Hall, Puller Memorial Primary School and St John the Evangelist Church.
- 2.15 The TNP (2021) does not allocate any residential sites; however, the TNP Site Assessment Process considered the potential of 12 sites in and around High Cross for housing (T6-T15, T19 and T21). Two parts of the application Site were considered in this process, as well as in the East Herts SLAA ((See T11 (42/004 in SLAA) and T12 (42/008), as shown at Figure 2.2. In both cases, the sites were found to be “available” and “achievable” and “being reasonably well related to the settlement” [of High Cross].

Figure 2.2 Thundridge Neighbourhood Plan- Sites assessed in High Cross



Source: Thundridge Neighbourhood Plan 2018-2033 Site Assessment Process Background Document⁴
([https://www.thundridgeparishcouncil.org.uk/uploads/tnp-reg-15-site-allocations-process-background-document-\(2\).pdf](https://www.thundridgeparishcouncil.org.uk/uploads/tnp-reg-15-site-allocations-process-background-document-(2).pdf))

- 2.16 The SLAA Assessment on ‘suitability’ for both T11 (42/004 in SLA) and T12 (42/008 in SLAA) is repeated below:
- T11 (42/004): “N- This greenfield site is located to the east of the school. Although it is reasonably well related to the existing settlement the site is unsuitable as it is located within the Rural Area Beyond the Green Belt and there is no obvious way of achieving a suitable access.”

³ 2021 census

⁴ See also SLAA Map and Assessments (<https://www.thundridgeparishcouncil.org.uk/strategic-land-availability-asse>)

- T12 (42/006): “N- This is a greenfield site that is reasonably well related to the existing settlement. Access could be achieved from the north of the site. However, the site is currently unsuitable due to its location within the Rural Area Beyond the Green Belt”.

2.17 In both SLAA Assessments, there was a recognition of both sites being available and achievable and being reasonably well related to High Cross and for T12 (42/006), that access could be achieved from the north of the site.

Summary

2.18 There is a need for substantially more housing in East Herts district and, at present, an absence of a 5YHLS of deliverable sites.

2.19 High Cross and Thundridge & Wadesmill (grouped as a single settlement) are ‘Group 2 Villages’ in the 2018 EHDP. High Cross was identified as a Group 1 village in the previous 2007 EHDP, reflective of its size and indicating that High Cross is on the cusp between a Group 1 and Group 2 village. The current EHDP requires that each Group 1 Village meets a minimum 10% uplift of households over the plan period, to contribute to the local housing need.

2.20 EHDP policy VILL2 policy contemplates sites coming forward for housing as infill or allocated sites in Group 2 villages, like High Cross, save for exceptions. Parts of the site have been found to be “available” and “achievable” and “being reasonably well related to the settlement” [of High Cross] in the TNP Evidence base.

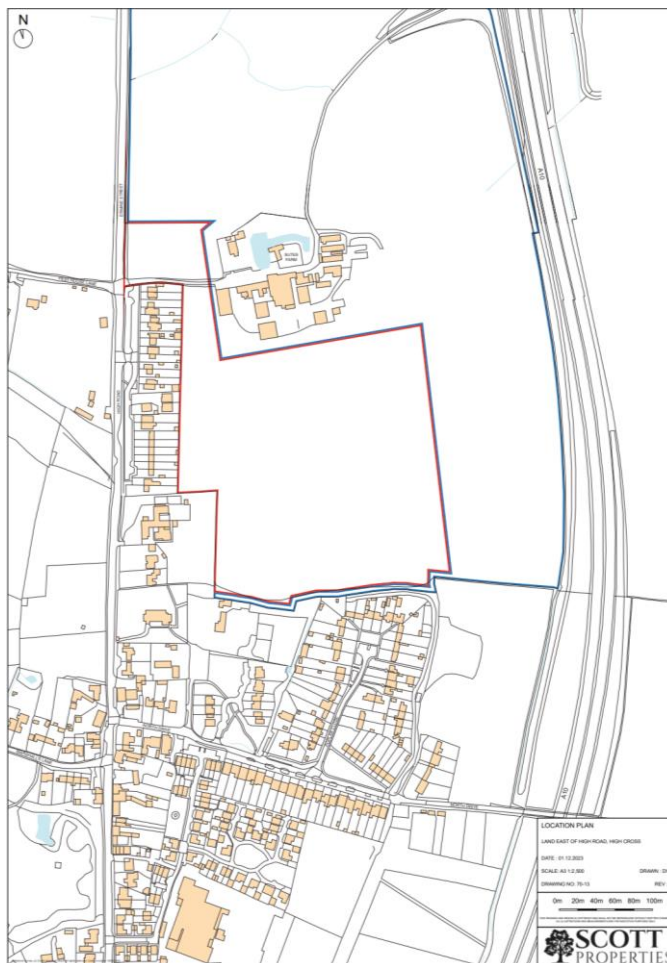
2.21 New residential development that is within or relates well to an existing settlement boundary would therefore make a valuable contribution towards meeting the village, parish and district housing need.

3.0 **Site and Surroundings**

The Site

- 3.1 The c.7.75ha Site is located adjacent to the north and east of the settlement boundary of High Cross village within Thundridge Parish as shown at Figure 3.1.
- 3.2 The Site is of a relatively flat gradient and is currently being used for agricultural purposes (Agricultural Land Quality 3B).⁵

Figure 3.1 Site Location Plan



Source: Scott Properties

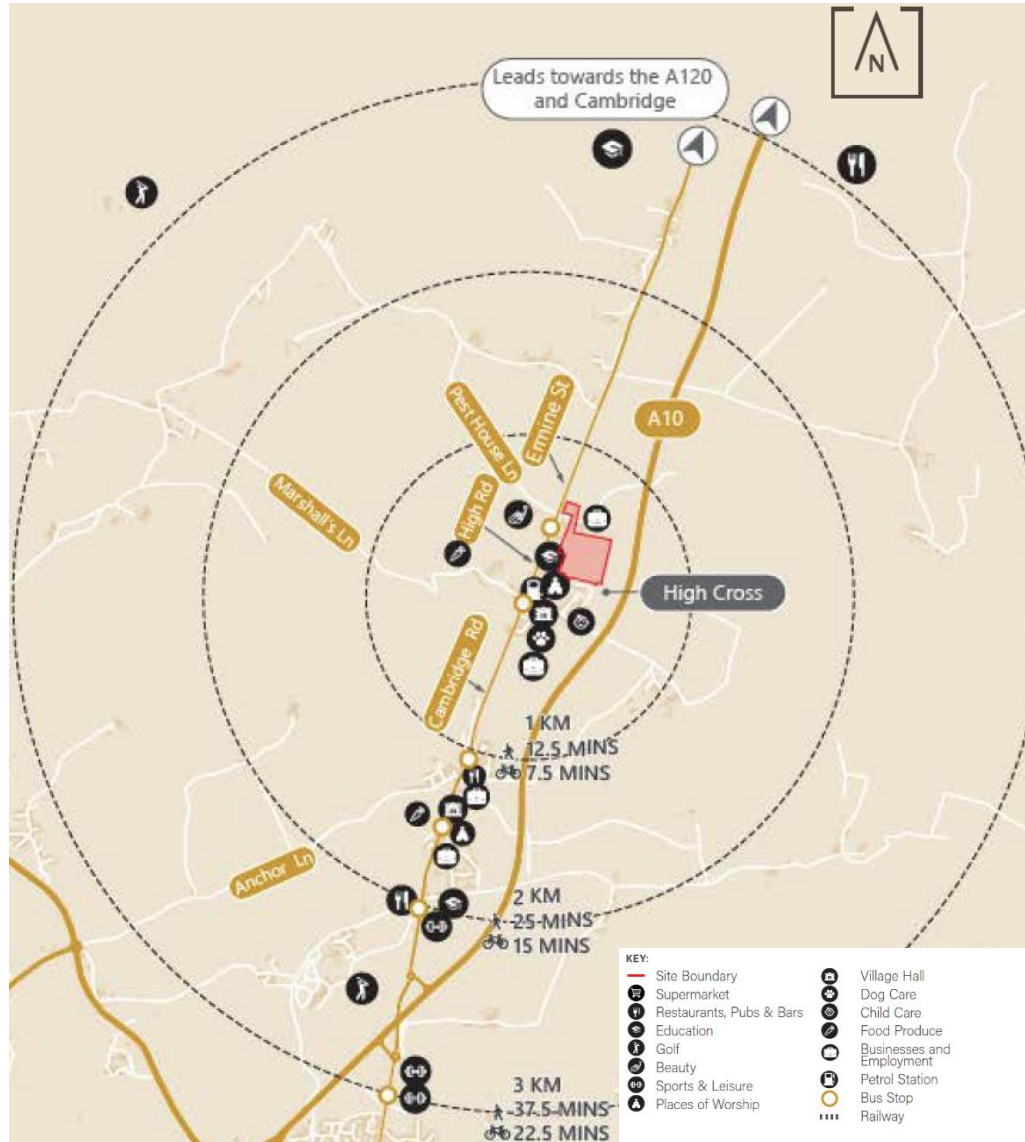
Surroundings and Accessibility

- 3.3 The Site is bound by development to the north, west and south and farmland to the east with the A10 road beyond that.
- 3.4 Specifically, to the north is Sutes Farm, including the Grade II* Farmhouse barn and associated buildings. To the south and west is the village boundary of High Cross. The High Road bounds the site to the west and provides the existing access to the Site. The road is

⁵ Agricultural Land Classification Report, prepared by Terra Analytical

lined to the east by 2-storey residential development which backs on to the Site, as well as the Puller Memorial Primary School.

Figure 3.2 Local Amenities Plan



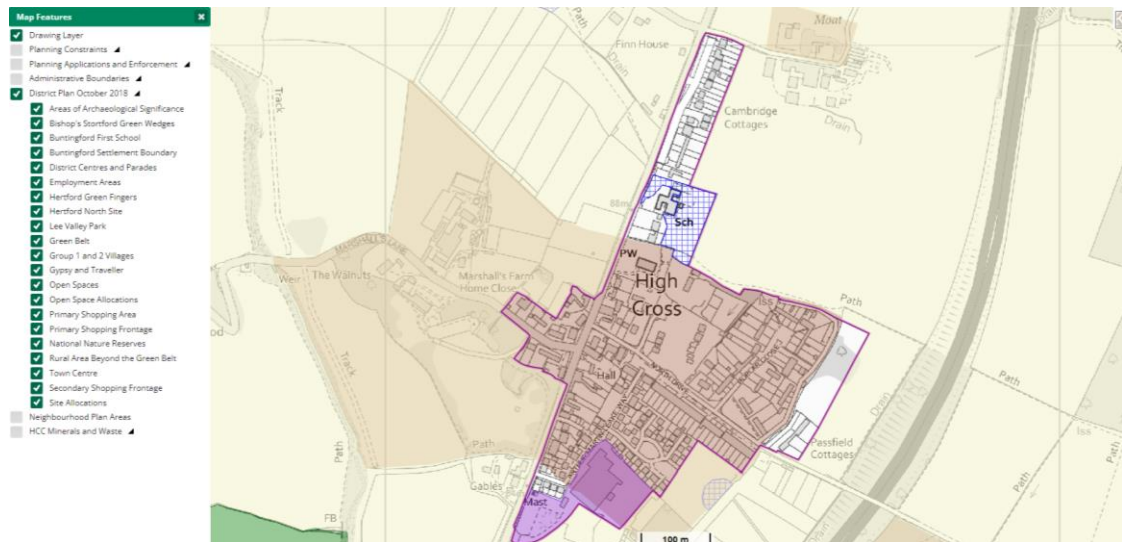
Source: Design and Access Statement, Thrive Architects

- 3.5 The Site is relatively accessible by the High Road, which connects the site to Ware, one of the largest settlements in Hertfordshire, and the A10 at the Moles interchange.
- 3.6 The nearest bus stop is located c.80 metres away from the site opposite to the village hall. It is served by bus service 331, providing connection to the nearby larger settlements of Ware, Buntingford and Puckeridge within 15 minutes.
- 3.7 The Site is served by local services within High Cross village, comprising a primary school, petrol station and a Spar convenience store. It is also served by Ware, lying approximately 3.2 miles to the south, one of the largest settlements in Hertfordshire, providing a wide range of shops, employment, education, leisure and community services and facilities.

Planning Designations

3.8 An extract of the adopted EHDC’s Policies Map (2018) is provided at Figure 3.3.

Figure 3.3 East Hertfordshire District Council Policies Map (2018) Extract



Source: EHDC website- https://ehdc.cloud.cadcorp.com/ehdc_WebmapPublic/Map.aspx?mapName=Planning

3.9 It identifies the following policy designation applicable to the site:

- **Yellow wash:** Rural Area Beyond the Green Belt. See Policy GBR2 Rural Area Beyond the Green Belt of the East Herts District Local Plan (October 2018).

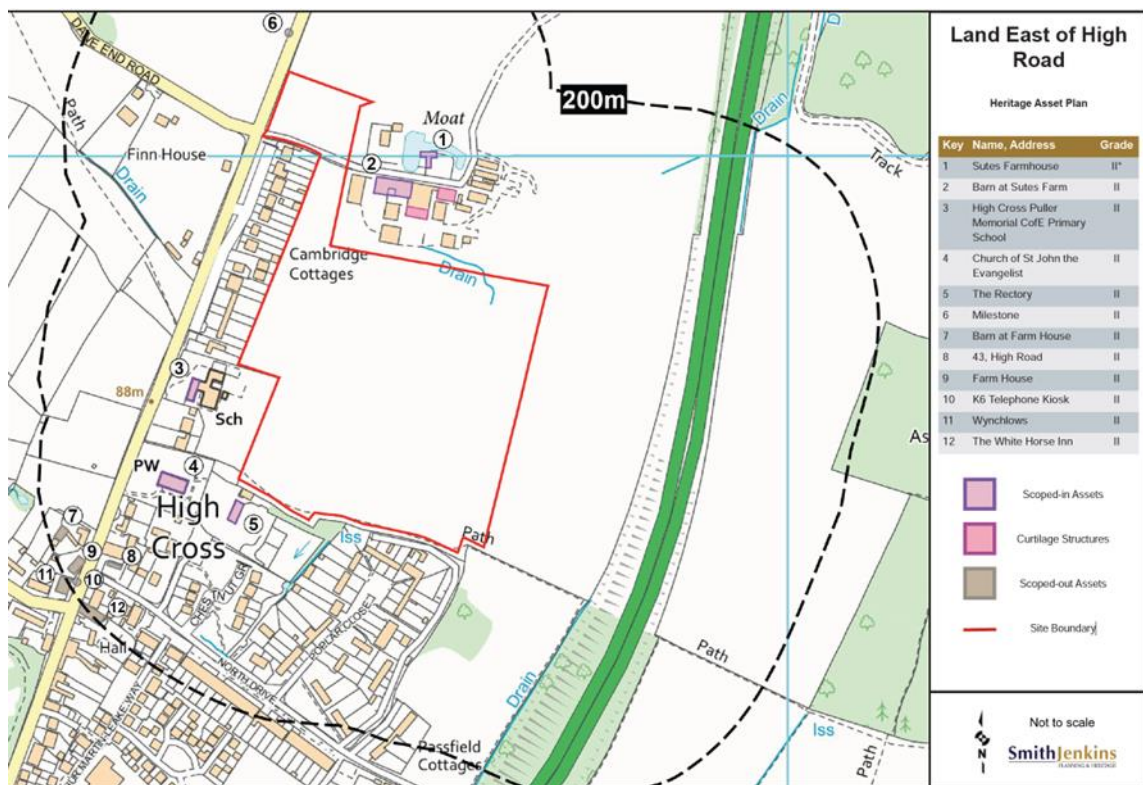
3.10 In the surrounding area are the following policy designations:

- **Purple line:** Settlement boundary of High Cross which is a Group 2 Village. See Policy VILL2 Group 2 Villages of the East Herts District Local Plan (October 2018).
- **Blue hatch:** The Puller Memorial C of E Primary school is identified as a ‘Community Facility’. See Policy CFLR7 Community Facilities of the East Herts District Local Plan (October 2018).
- **Brown wash:** Areas of Archaeological Significance. See Policy HA3 Archaeology of the East Herts District Local Plan (October 2018).
- **Purple wash:** Oakley Horseboxes, High Cross a Village Employment Area. See Policy VILL4 Village Employment Area of the East Herts District Local Plan (October 2018).

3.11 There are no listed buildings on the Site, nor does it lie within a Conservation Area. There are a number of listed buildings (identified on Figure 3.4) nearby or on High Cross, including:

- Grade II* Farmhouse at Sutes Farm (to the north)
- Grade II Barn at Sutes Farm (to the north)
- Grade II Puller Memorial C of E Primary School (to the west)
- Grade II Church of St John the Evangelist (to the south west)
- Grade II The Rectory (to the south)

Figure 3.4 Designated Heritage Assets in Proximity to Site



Source: Smith Jenkins Planning and Heritage

3.12 The Site does not lie within any of the viewing corridors of the 11 Important Views identified at Policy THE4 – Important Views, of the Thundridge Neighbourhood Plan (July 2021). The entire Site is located in Flood Zone 1. There are no Tree Preservation Orders on the Site.

Summary

3.13 The 7.75ha Site comprises agricultural land (grade 3B), lying immediately adjacent to two sides of the settlement boundary of High Cross village (a Group II Village), in ‘the Rural Area beyond the Green Belt’ and within Flood Zone 1.

3.14 It is a relatively accessible location, served by a primary school and a convenience shop and petrol filling station within High Cross village and a wide range of employment, shopping, education, leisure and community infrastructure in Ware.

3.15 The Site does not include any statutory designated heritage assets or TPOs. There are a number of Grade II and Grade II* buildings within High Cross, the closest being the Grade II* Farmhouse and Grade II Barn at Sutes Farm opposite the Site to the north.

4.0 Planning History

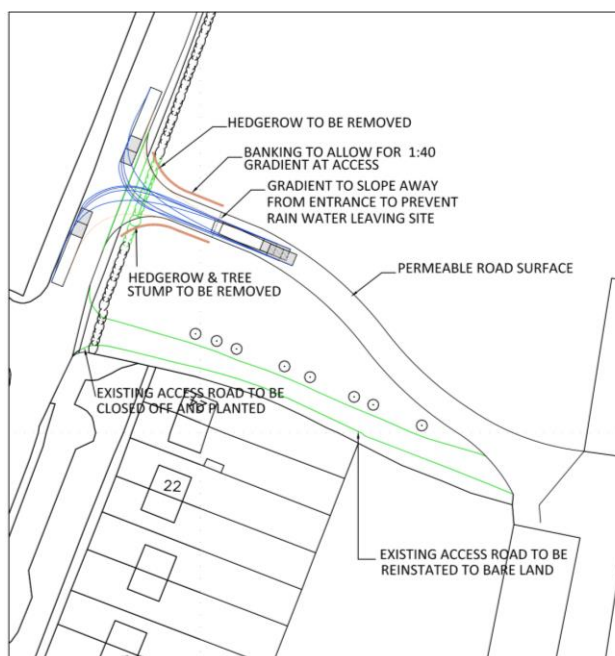
4.1 This section identifies and considers relevant planning history related to the Site and its immediate surroundings, by searching the planning applications data available on the EHDC online planning register.

The Site

4.2 On the 11th of July 2016, full planning permission was granted for the “Erection of an agricultural building and relocation of access road” at Sutes Farm (ref. 3/16/0246/FUL). The consent has since lapsed.

4.3 The access road (connecting to the High Road) is located on the proposed application Site (see Figure 4.1) and a similar access arrangement is proposed for this application.

Figure 4.1 Access Arrangements approved under ref/3/16/0246/FUL



Source: Sworders, Drawing No. 201307 DWG 006 Rev D

4.4 The application received consultation responses from Hertfordshire County Council Highways (08.03.16) and Thundridge Parish Council (20.06.16) who raised no objections to the application.

The Surroundings

4.5 There are the following recent applications in the surroundings of relevance to the Site, identified in Table 4.1 below.

Table 4.1 Relevant Planning History in Surrounding Area

Reference and Address	Description of Development	Decision	Distance from Site
3/21/1549/LBC	Demolition of extension, erection of single storey side and rear	Approved 18/06/2021	0.03 miles

Reference and Address	Description of Development	Decision	Distance from Site
Puller Memorial Primary School High Road High Cross Ware Hertfordshire SG11 1AZ	extension. Repair of existing windows and replacement of window to rear of the main hall		
3/20/1910/FUL Land North of North Drive High Cross Hertfordshire	Erection of nine dwellings with associated new access, parking, landscaping, ancillary works, and creation of open space.	Approved 07/05/2021	0.05 miles
3/18/0670/FUL Land At Oaklands Ermine Street High Cross Ware Hertfordshire SG11 1BG	Erection of 9 dwellings comprising 5no. 5 bed houses and 4no. 1 bed flats	Refused 25/07/18	0.11 miles
3/17/2216/OUT Land West Of High Road High Cross Hertfordshire	Outline application for 27no. dwellings - all matters reserved except for access	Refused 26/04/18	0.11 miles

Source: EHDC Planning Register

Commentary

- 4.6 We provide further commentary below on applications 3/20/1910/FUL and 3/18/0670/FUL, given they are the most recently determined residential developments either within or adjacent to the settlement boundary of High Cross.

Land North of North Drive (3/20/1910/FUL)

- 4.7 This application is of relevance, given it is the only recent residential development within or adjacent the settlement boundary of High Cross. Of note, it was approved under delegated powers (as opposed to Committee), implying Officers were comfortable with residential development in this location and has now been constructed and the homes have been occupied.

In approving the application, the Officers' Report concluded (pg.12) that:

“The proposed development would represent infill development within a Group 2 village, and would not harm the character and appearance of the village, nor would it result in the harm to the setting of the nearby listed buildings. Through the use of conditions, the views to these listed buildings and a sense of openness can be retained. The objections raised have been taken into consideration in the assessment above and by the proposed conditions. It is considered that the development is acceptable, and it is recommended that permission be granted.”

Land at Oaklands (3/18/0670/FUL)

- 4.8 This application for 9 dwellings is of relevance given its location adjacent to the settlement boundary of High Cross, albeit on the western side of the High Road.
- 4.9 In refusing the application, Officers recognised the limited positive weight that the new homes could offer. Stating on pg. 7 of the Officers' Report that:

“The proposal would encroach into the Rural Area Beyond the Green Belt outside the settlement boundary of High Cross which Local Plan emerging District Plan policy seeks to protect at valued countryside resource.

The provision of 9 dwellings is a benefit which carries limited positive weight given that the Council are able to demonstrate a Housing Land Supply of 6.2 years”. (Lichfields’ emphasis).

- 4.10 There was only one reason for refusal on the Decision Notice which related to location outside of the village boundary of High Cross within the Rural Area Beyond the Green Belt.

Summary

- 4.11 The application Site has no pertinent planning history, save for the vehicular access approved in 2016 which has now lapsed. However, there have been a number of residential applications in the surrounding area since. This includes the approved (and now constructed) Land North of North Drive for 9 dwellings within the High Cross settlement boundary. It also includes two refused schemes adjacent to the settlement boundary, which were refused due to the location within ‘the Rural Area Beyond the Green Belt’. In refusing one of these applications, Officers recognised the positive weight that the new homes could deliver, the benefit of which will only have strengthened given that EHDC cannot demonstrate a 5 Year Supply of Housing.

5.0 **Consultation and Engagement**

5.1 The NPPF promotes pre-application engagement with local planning authorities with local planning authorities, stating (at paragraph 39):

“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.”

5.2 EHDC’s Statement of Community Involvement (2019) states that they strongly encourage applicants to engage with the local community directly, before submitting an application and, secondly, that they advise applicants to make use of the pre-application service with the Council, with an aim to improve the quality of an application before it is submitted.

5.3 The application is supported by a Statement of Community Involvement (November 2023), prepared by Scott Properties, from which we provide a summary below.

Pre-application engagement with EHDC

5.4 Two formal pre-application meetings have been held with EHDC for residential development on the Site:

- October 2017 (written advice of 12 January 2018- ref. M/17/0197/MPREAPP)
- November 2018 (written advice of 12 March 2019- ref. M/18/0035/MPREAPP)

5.5 The 12 January 2018 response (ref. M/17/0197/MPREAPP) outlined the policy position at the time of writing and observations on matters such as accessibility, design and layout, affordable housing, education, landscape, housing mix, ecology, drainage, and heritage impact.

5.6 The 2nd pre-app submission outlined the potential improvements to the Puller Memorial Primary School and associated housing. A response from the Council received in March 2019 recited the adopted Local Plan policies and concluded that there was no merit in the pre-application meeting taking place.

5.7 In addition to the above formal pre-application advice requests, there have been numerous discussions held by Scott Properties with the Council and other relevant stakeholders about the site and its potential for development. In particular, considerable time was spent gaining an understanding of how the Puller Memorial Primary School needs new pupils and a new hall.

Thundridge Parish Council Engagement

5.8 Scott Properties attended a Parish Council public meeting and outlined the proposals for the Site. The Parish Council confirmed that they would not be engaging with Scott Properties at the pre-application stage, instead waiting to review the application and comment once the application had been submitted.

- 5.9 The Parish Council agreed that the High Cross Village Hall was an appropriate location to hold the Public Consultation event. Scott Properties provided information to the Parish Council about the allotments and at the time of submission are awaiting a response.

Community Consultation

- 5.10 A public consultation event was held on Tuesday 17th October 2023, from 2pm until 7pm, at High Cross Village Hall. The consultation website was available after the event, with two weeks of access until Monday 30th October. The website also gave those who could not attend the actual event an opportunity to view the proposals online and provide feedback.
- 5.11 A total of 84 people attended the consultation event and 38 feedback forms were received on the day, through the post, or via the online form.
- 5.12 A summary of the response to feedback is provided in the submitted Statement of Community Involvement.
- 5.13 Scott Properties has undertaken pre-application engagement with Officers of EHDC and local people including Thundridge PC, via a public meeting, an event at High Cross Village Hall and a project website. The public feedback indicated more objection than support for additional homes at High Cross, the latter group indicating different views on the type of housing needed.

6.0 Proposed Development

Vision

- 6.1 The Vision for the Proposed Development is to deliver a distinctive development that:
- Feels like an integral part of the existing village;
 - Celebrates the heritage assets of Sutes Farm and the Church of Saint John;
 - Responds positively to the existing townscape of High Cross; and.
 - Delivers benefits to the wider community in response to various local needs.

Application Scheme

- 6.2 This planning application seeks outline permission for:

“Outline planning application, with all matters reserved save for means of access, for C3 residential development (up to 95 dwellings) and associated landscaping, open space, pedestrian and cycle linkages, internal roads, drainage and sewerage (including SUDS) and associated infrastructure, together with land for cemetery, education and allotment uses”.

- 6.3 A full explanation of the evolution of the scheme and its design principles are provided in the Design and Access Statement.
- 6.4 There are three Parameter Plans which provide the framework within which the detailed design of the scheme is proposed to evolve, as follows:
- a Parameter Plan 1: Land Use and Landscape
 - b Parameter Plan 2: Access and Movement
 - c Parameter Plan 3: Building Storey Heights and Residential Density
- 6.5 The Proposed Illustrative Concept Masterplan (ref. ICMP-01 Rev P1) indicates how the scheme could be laid out within these development parameters.

Land Use and Amount

- 6.6 The proposed land uses and amount of development comprise:
- 1 **Residential:** Up to 95 dwellings (including affordable homes).
 - 2 **Education:** Up to 0.4ha of land to the south west of the Site will be safeguarded as a ‘Primary School Expansion Zone’ for the Puller Memorial Primary School.
 - 3 **Allotments:** Up to 0.12ha of land for allotment use and allotment parking to the west of the Site.
 - 4 **Cemetery Extension:** Up to 0.1ha of land for cemetery use to the south west of the Site, to provide an expansion of the existing cemetery at the Parish Church of Saint John’s High Cross.
 - 5 **Open Space:** Publicly accessible open space, SUDS, play areas and wild flower planting.

6 Highways: Access junctions, estate roads, foot/cycle paths.

6.7 The areas for each use, derived from the Proposed Illustrative Concept Masterplan are identified at Table 6.1:

Table 6.1 Proposed Illustrative Concept Masterplan Areas

Land Budget Areas	Approximate Hectare (Ha) (Up to)
Site Area	7.75ha
Net Development Area (inc access road)	3.4 ha
Residential	95 homes
School Expansion	0.40ha
Allotments & Parking	0.12ha
Cemetery Expansion	0.10ha
Play Areas	0.12ha
Public Open Space	3.15ha
SuDS Area	0.46ha

Source: Scott Properties

6.8 Up to 95 dwellings are proposed with the indicative housing mix in Table 6.2 below, delivering a range of sizes from 1 beds to 4 beds. Of these homes, up to 38 are targeted to be affordable housing, the equivalent of 40% by unit, with a target tenure split of 75% affordable rent: 25% intermediate:

Table 6.2 Indicative Housing Mix

House Size	Market	Affordable	Total No	Proposed Min no.
1 Bed	2	3	5	5
2 Bed	19	17	36	35
3 Bed	25	16	41	40
4 Bed	11	2	13	10
Total	57	38	95	

Source: Scott Properties

Access

6.9 A new vehicular access will be created from the High Road to the north west of the Site, as shown on the ‘Proposed Access to Serve Residential Development and Sutes Farm (ref. U321-PL-SK-201 Rev P05). This is an amendment to the access approved under application ref. 3/16/0246/FUL.

6.10 Pedestrian and cycle access will be taken from the existing and improved access road to Sutes Farm to the north and linkages to the existing public footpath to the south of the Site. In both cases, pedestrians will be able to continue their journey from the Site to the village centre on traffic free routes.

6.11 Within the Site, secondary vehicular routes will then be provided with grass verges and shared surface streets providing access to dwellings and supporting facilities.

7.0 **Planning Policy Framework**

7.1 This section identifies the relevant national and local planning policies against which the proposal should be assessed against.

Statutory Tests

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

7.3 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess. This is relevant here as there are several listed buildings in close proximity to the Site.

Development Plan

7.4 The statutory development plan for EHDC comprises the East Herts District Plan 2018 ('EHDP'), adopted on 23 October 2018, and the Thundridge Neighbourhood Plan, adopted in July 2021 ('TNP').

7.5 On the 23 October 2023, The EHDP became five-years old and a Regulation 10a review of the plan has been conducted by EHDC. This concludes that EHDC's housing requirement needs updating. The effect of this is that EHDC needs to use the standard method to assess its five-year supply against (in accordance with Paragraph 77 of the NPPF).

East Herts District Plan 2018

7.6 The EHDP sets out the planning framework for EHDC for the plan period up until 2033.

7.7 The EHDP identifies the following relevant policies, covering the principle of development, scope of village boundaries, housing, design, transport, green spaces, and heritage assets.

- GBR2 Rural Area Beyond the Green Belt
- VILL2 Group 2 villages
- HOU1 Type and mix of Housing
- HOU2 Housing density
- HOU3 Affordable Housing
- HOU7 Accessible and adaptable homes
- HOU8 Self-build housing
- DES1 Masterplanning
- DES2 Landscape character
- DES3 Landscaping
- DES4 Design of Development
- TRA1 Sustainable transport

- TRA2 Safe and suitable access arrangements and mitigation
- TRA3 Vehicle Parking Provision
- CFLR1 Open space, sport and recreation
- CFLR2 Local Green Space
- CFLR9 Health and Wellbeing
- NE3 Species and Habitats
- NE4 Green Infrastructure
- HA1 Designated Heritage Assets
- HA3 Archaeology
- HA7 Listed Buildings

Thundridge Neighbourhood Plan

- 7.8 The site is located within the Thundridge Neighbourhood Plan (TNP) area.
- 7.9 The Neighbourhood Plan Area was designated on 6 February 2017 and the TNP was adopted in July 2021.
- 7.10 The vision and objectives for Thundridge includes new housing, which meets the need of local people, whilst complementing the distinctive character of the built heritage, as a central theme and objective of the Neighbourhood Plan (paras 4.1-4.4)). The vision and objectives also place an emphasis on protecting and enhancing the built environment, open spaces, adjacent countryside and green infrastructure. It seeks to retain the open countryside, sustainable transport infrastructure and protect local green spaces and heritage assets (paras 4.1-4.4)).
- 7.11 Policy THH1 ‘Housing Mix’ sets out that there will be a mix of housing tenures, types, and sizes in accordance with current and future local housing need and housing market assessments. Priority will be given to the following types of housing:
- Starter homes and smaller dwellings for private purchase
 - Affordable housing for rent or shared ownership
 - Smaller units, including bungalows, for older residents to down-size.
- 7.12 Policy THE1 ‘Designated Heritage Assets’ sets out that proposals for development which have an impact on designated heritage assets in the parish should take account of the historic fabric, the significance of the asset and the contribution of its setting to that significance. Proposals should conserve or where appropriate enhance the asset and its setting.
- 7.13 There are a number of Views identified in Policy THE4 ‘Important Views’ around the parish but none appear to cross the Site. There is some mention of the listed St John’s Church and Puller Memorial C of E school building but nothing that appears to indicate that the farmland is significant to their setting. Local Green Spaces are designated in other areas around the village including to the west of the old A10 but none on or adjacent to the Site.

Material Planning Considerations

National Planning Policy Framework

- 7.14 The National Planning Policy Framework (NPPF, 2023) originally published on 27 March 2012 and last updated on 19 December 2023 sets out the Government’s overarching strategic planning policies for England. The NPPF is a material planning consideration in decision making. The NPPF requires Local Planning Authorities (LPAs) to adopt a positive approach to decision taking and to apply a presumption in favour of sustainable development.
- 7.15 The NPPF supports the government’s objective to support housing and economic growth objectives the meet the needs of the country, in a sustainable manner (Paragraph 7). Paragraph 8 sets out three dimensions that comprises sustainable development. These includes the “economic” perspective by supporting the development of sufficient land in the right places to support growth; “social” aspect to ensure sufficient ranges of homes to be built to support the needs of the current and future generations; and the “environmental” perspective to protect and enhance the natural and historical environment.
- 7.16 Paragraph 11 in the NPPF requires LPAs to apply a presumption in favour of sustainable development, in accordance with up-date development plans, without delay in order to meet the needs of local growth and improving the environment. In cases where development plans are out of date, planning permission should be granted when benefits outweigh the adverse impacts assessed against the NPPF framework.
- 7.17 Paragraph 82 of the NPPF states, in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that can reflect local needs. Developments that could provide affordable housing, maintain the vitality of rural communities should therefore be supported.
- 7.18 The NPPF continues (in para 82): *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”*
- 7.19 A key theme of the revised NPPF (paragraphs 88, 96, 128 and Section 12) is for new developments to deliver well designed and beautiful new places and buildings.

Supplementary Planning Documents

- 7.20 There are a number of relevant adopted Supplementary Planning Documents, including:
- Sustainability SPD (March 2021)
 - Open Space, Sport and Recreation SPD (May 2020)
 - Affordable Housing SPD (May 2020)
 - Landscape Character Assessment SPD (September 2007)
 - Planning Obligations SPD (October 2008)

- Vehicle Parking Provision at New Development SPD (June 2008) and Updated Vehicle Parking Standards (no date)

Planning Considerations

7.21 We identify the main planning considerations for this outline planning application are as follows:

- 1 Development in principle - Spatial Strategy and Agricultural Land Quality
- 2 Land Use Needs - Residential, Education, Allotments and Cemetery
- 3 Design - including Parameter Plans, Site Access and Density
- 4 Transport
- 5 Landscape and Visual
- 6 Heritage
- 7 Other Environmental Effects.

7.22 The following sections assess the proposals against these planning policy considerations.

8.0 Development in Principle

Spatial Strategy

- 8.1 The Site is located adjacent to but outside of the defined settlement boundary of High Cross, a ‘Group 2 Village’ within the ‘Rural Area Beyond the Green Belt’.
- 8.2 High Cross is the largest settlement with Thundridge Parish and is served by a number of village amenities and it was a ‘Group 1 Village’ in the previous version of the EHDP (2007).
- 8.3 EHDP Policy GBR2 identifies that residential development in ‘Group 2 Villages’ within the ‘Rural Area beyond the Green Belt’ is typically only allowed from limited infilling of brownfield land, rural exception housing or where development is identified in an adopted Neighbourhood Plan.
- 8.4 Any residential development within a ‘Group 2 Village’ would then be assessed against Limb (V) of Policy VILL 2, to demonstrate it can satisfy all 7 strands of the appropriate development criteria within a ‘Group 2 Village’.
- 8.5 The TNP (2021) does not allocate any residential sites; however, two parts of the application site was considered in the TNP Site Assessment Process as well as the East Herts SLAA ((See T11 (42/004 in SLA) and T12 (42/008 in SLAA)). In both cases, the sites were found to be “available” and “achievable” and “being reasonably well related to the settlement” [of High Cross].
- 8.6 Whilst residential development would be a departure from the Development Plan, there is a need and benefit arising from providing additional homes adjacent and well-related to High Cross. Policy does not preclude the acceptability of the principle of development on the whole, and consideration needs to be given all other relevant Development Plan policies and material considerations.
- 8.7 In this context, the Site has been assessed against Limb (V) of Policy VILL 2, to assess whether the proposed development satisfies all 7 strands of the appropriate development criteria within a Group 2 village.

Table 8.1 Assessment against Limb (V) of Policy VILL 2 Group 2 Villages

Limb	Commentary
(a) Relate well to the village in terms of location, layout and connectivity;	Yes. The site lies in a sustainable location that East Herts recognise in its evidence base: “being reasonably well related to the settlement” boundary of High Cross (a Group II Village). The site is easily accessible by foot, cycle, bus and car) and High Cross is served by a SPAR and is close to a greater range of shopping, employment and community services in Ware.
(b) Be of a scale appropriate to the size of the village having regard to the potential cumulative impact of development in the locality;	Up to 95 homes will be provided that logically fits with the settlement boundary to the west and south and farm buildings to the north.

Limb	Commentary
	Some 95 homes might accommodate an additional 230 people (at average Thundridge household occupancy), a 27% population increase on the existing 843 population.
(c) Be well designed and in keeping with the character of the village;	All homes will be well designed in keeping with the traditional vernacular of the locality. All homes will be 1, 2 or 2.5 storeys and with generous gardens.
(d) Not represent the loss of a significant open space or gap important to the form and/or setting of the village;	The existing fields are not identified as a significant open space or a gap in the EHDP (2018) or TNP (2021).
(e) Not represent an extension of ribbon development or an addition to an isolated group of buildings;	The proposal will not be an extension of ribbon development or an addition to an isolated group of buildings.
(f) Not unacceptably block important views or vistas and/or detract from the openness of the countryside	<p>The Landscape and Visual Impact Assessment confirms that there are no important views or vistas, as identified in the EHDP or TNP that pass through the site.</p> <p>By the nature of the existing use and proposed development there will be some visual impact on the landscape. However, the Landscape and Visual Impact Assessment finds the application proposal will not cause any significant adverse landscape or visual impacts on the identified receptors.</p>
(g) Not be significantly detrimental to the amenity of neighbouring occupiers.	The illustrative Concept Masterplan has been carefully planned to ensure no new homes are built directly adjacent to existing homes to minimise impact on existing and new residents’ amenity. In addition, generous landscaping is provided between existing and new properties.

8.8 The Government’s objective is to significantly boost the supply of homes on a variety of sites, that the needs of groups with specific housing requirements are addressed, including an appropriate mix of housing types for the local community, and that land with permission is developed without unnecessary delay (NPPF 60).

8.9 The Site is available, suitable and viable for residential development, in a highly sustainable location adjacent to (on two sides) a Group 2 village. It is therefore capable of being treated as an exception to the Rural Areas Beyond the Green Belt policy, subject to assessing the effects of such development.

Agricultural Land Quality

8.10 Paragraph 180 (b) of the NPPF identifies that planning policies and decisions should contribute to and enhance the natural and local environment by recognising 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.

- 8.11 ‘The best and most versatile agricultural land’ is defined within the NPPF as “*Land in grades 1, 2 and 3a of the Agricultural Land Classification.*” Therefore meaning, that land in Grades 3b-7 is not the best or most versatile.
- 8.12 The Agricultural Land Classification Report (prepared by Terra Analytical UK) confirms that there are 7.75 hectares of **Grade 3b** soils on the site. This is predominantly made up of heavy clay loam topsoils and clay subsoils. These subsoils are poorly structured, poorly draining and hold a Wetness Class of III (ALC Grade 3b) and are of the majority on the site (para 5.2.1)
- 8.13 Workability of these soils is likely to be limited to the autumn with a mainly cereal crop rotation. The relatively dry climate does lend itself to extended agricultural use in the Autumn potentially depending on Autumn rainfall. These types of soils are not suited to row crops or high value vegetable crops such as potatoes but do have the potential to produce moderate cereal yields (para 5.2.1).
- 8.14 Therefore, the existing site is of ALC Grade 3B, so wouldn’t fall within the definition of ‘the best and most versatile agricultural land’ in the NPPF.

Summary

- 8.15 Whilst residential development would be a departure from the Development Plan, there is a need and benefit arising from providing additional homes adjacent and well-related to High Cross that is of lower quality agricultural land (Grade 3b).
- 8.16 Policy does not preclude the acceptability of the principle of development on the whole, and consideration needs to be given all other relevant Development Plan policies and material considerations.
- 8.17 In this context, the Site has been assessed against Limb (V) of Policy VILL 2 and found to satisfy all 7 strands of the appropriate development criteria within a Group 2 village.
- 8.18 The Site is available, suitable and viable for residential development, in a highly sustainable location adjacent to (on two sides) a Group 2 village. It is therefore capable of being treated as an exception to the Rural Areas Beyond the Green Belt policy, subject to assessing the effects of such development.

9.0 Land Use Needs

Residential

- 9.1 The Proposal comprises up to 95 new homes including up to 38 affordable homes (40% by unit), within a housing mix which provides a range of unit sizes from 1 bed to 4-bedroom houses to maintain and enhance East Hert's position as a sought-after residential location.
- 9.2 EHDP Policy DPS1 (Housing, Employment and Growth) identifies that the Council will provide a minimum of 18,458 new homes in the 22-year plan period to 2033. The Proposal will deliver up to 95 new homes and will therefore make a significant contribution towards meeting local housing needs, equating to some 11% of the Local Plan's minimum annual housing requirement (839 dwellings per annum) or 9% against the standard method requirement (1,112 dwellings per annum).
- 9.3 Furthermore, housing completions in East Herts have not met target over the last 5 record years, averaging 801 dwellings per annum⁶, equating to 95% of the Local Plan target and 72% of the standard method target.

Education

- 9.4 EHDP Policy CFLR10 (Education) requires that development that creates a potential increase in demand for education will be required to make appropriate provision for new facilities either on-site or by making a suitable contribution towards the improvement or expansion of nearby existing facilities.
- 9.5 The Site is located adjacent to the Puller Memorial C of E Primary School which the applicant has engaged with ahead of this application being submitted.
- 9.6 The Puller Memorial C of E Primary School is the only primary school within the village and only one of two (the other being Thundridge Primary School, with 67 children on its roll) within the wider Thundridge Parish. It's importance to the village and Thundridge Parish will become greater if Tonwell St Mary's school in Tonwell (just outside of Thundridge Parish, with 35 children on roll) closes, and the next nearest schools are in Ware.
- 9.7 It is understood that, whilst Puller Memorial School currently has 63 pupils on its roll, it has a theoretical capacity of c.120 places; however, due to the inadequacies of the current facilities, particularly the hall and non-teaching areas as well as the internal layout the school, is unable to accommodate its theoretical capacity.
- 9.8 Accordingly, this application provides a c.0.40ha plot of land reserved adjacent to this school, to be used for improved facilities, in addition to a S106 financial contribution, if requested, towards the school to help pay for the future works.
- 9.9 The proposed land reserve will therefore make a meaningful contribution towards the improvement or expansion of the nearby Puller Memorial School, directly benefiting the school and residents of High Cross and the wider Parish, in accordance with EHDP Policy CFLR10.

⁶ East Herts Housing Completions (net) over the past 5 recorded years 2017/18 to 2021/22, in the Five Year Land Supply Position Statement (November 2022)

Allotments

- 9.10 Policy CFLR1 (Open Space, Sport and Recreation) of the EHDP identifies that residential development will be expected to provide open spaces, indoor and outdoor sport and recreation facilities to provide for the needs arising from the development and that proposals for new open space, indoor and outdoor sport and recreation facilities which meet identified needs will be encouraged in suitable locations, served by a choice of sustainable travel options.
- 9.11 High Cross does not have any allotments and at the October consultation event for this application, it was identified by residents that the nearest allotments at ‘Thundridge Allotments’, a 1.35ha green space with 48 individual allotments, is the only allotment provision within the Parish and is at full capacity with a current waiting list for 10 allotment plots (as at October 2023).
- 9.12 The East Herts Open Space Contribution calculator estimates that the development of 95 dwellings will result in an additional allotment demand from the development of 661sqm (or just over 2 plots- based on 250sqm per plot).
- 9.13 In response to this need from the development and having listened to feedback at the consultation event on limited existing provision in the Parish, up to 0.12ha of land for allotment use has been reserved, capable of accommodating a variety of allotment plot sizes to meet the local demand.

Cemetery

- 9.14 There are no policies within the EHDP that relate to cemetery or burial provision. However, the East Herts Open Space Report (Figure 5) identifies that there are 52.5ha of cemeteries and churchyards within the District, equating to a current provision of 0.4ha per 1000 population.
- 9.15 The Church of St. John the Evangelist is located directly south of the Site and at the consultation event in October, it was identified by residents that there was a need for an expansion of the existing cemetery due to limited local burial capacity (SCI pg.6).
- 9.16 Accordingly, and having listened to feedback at the recent consultation event, the proposed development will include up to c.0.10 ha of land reserved to provide an expansion of the existing cemetery at the Church of St. John the Evangelist.

Summary

- 9.17 The proposed delivery of new homes would meet c.11% of the district’s annual housing need. It would also contribute to reserving land to enable development to meet the locally identified needs for improved primary school facilities (to enable the school’s theoretical capacity to be used), cemetery expansion and additional allotments, helping the village of High Cross to become an even more sustainable Group 2 village settlement.

10.0 **Housing Mix & Tenure**

Mix

- 10.1 EHDP Policy HOU1 (Type and Mix of Housing) expects an appropriate mix of housing tenures, types and sizes from new development in order to create mixed and balanced communities appropriate to local character and taking account of up-to-date evidence, local demographic context and trends; local housing need and demand; and site issues and design considerations.
- 10.2 TNP Policy THH1 (Housing Mix) advises that, within the Parish of Thundridge, priority will be given to the following types of housing:
- Starter homes and smaller dwellings for private purchase
 - Affordable housing for rent or shared ownership
 - Smaller units, including bungalows, for older residents to down-size.
- 10.3 The West Essex and East Hertfordshire SHMA (2015, updated July 2017- Figure 76) identifies the greatest need is for 2, 3 and 4 bed market homes and 2 and 3 bed affordable homes.
- 10.4 The illustrative proposed housing mix demonstrates that a range of housing sizes from 1 bed to 4 beds (including up to 5 self-build/custom-build homes) can be created on site to create a mixed and balanced community. In accordance with the SHMA, the greatest proportion of these homes are 2, 3 and 4 bed houses.
- 10.5 The housing mix also includes a number of smaller units (up to 4) No 1 and 2 bed homes), including up to 5 bungalows, suitable as starter homes for older residents looking to downsize, to help meet the needs of the local community, in accordance with TNP Policy THH1 and NPPF (para 60).

Affordable Housing

- 10.6 EDHP Policy HOU3 (Affordable Housing) expects up to 40% affordable housing provision on sites proposing 15 or more gross additional dwellings, incorporating a mix of tenures considering the Council's most up to date evidence on housing need. Table 14.2 of the supporting text of the EHDP identifies a need (but not policy requirement) for 84% affordable rent homes and 16% intermediate housing, with the greatest proportional needs in 2 and 3 bed affordable home sizes.
- 10.7 East Herts Typical S106 Requirements (23 December 2021) seeks a tenure split of at least 75% of units as affordable rent: up to 25% of units as Shared Ownership.
- 10.8 The proposed development will deliver up to 38 affordable homes, which equates to 40% (by unit) and therefore satisfy the policy requirements of Policy HOU3. Each home will be tenure blind and the affordable homes will be spread across the development.
- 10.9 This will include a tenure split of 75% affordable rent: 25% intermediate, reflecting the needs identified at Policy HoU1 of the EHDP and THH1 of the TNP. The indicative

affordable housing mix will include 1, 2, 3 and 4 bed homes, with the greatest proportion of 2 and 3 bed homes, consulate with the need identified in the SHMA.

Summary

10.10 The proposal satisfies the EHDP housing mix and tenure policy requirements.

11.0 **Design**

Vision

- 11.1 The Vision for the Proposed Development is to deliver a distinctive development that:
- Feels like an integral part of the existing village;
 - Celebrates the heritage assets of Sutes Farm and the Church of Saint John;
 - Responds positively to the existing townscape of High Cross; and.
 - Delivers benefits to the wider community in response to various local needs.

Masterplanning Principles

- 11.2 To realise the Vision, and to help ensure a beautiful design and layout that also reflects the traditional character of the built environment in the parish of Thundridge, a masterplanned approach to development has been undertaken in accordance with EHDP Policies DES1 (Masterplanning) and DES4 (Design of Development) and TNP Policy THH4 (Design Criteria).
- 11.3 The masterplanned approach, detailed within the Design and Access Statement (DAS, prepared by Thrive Architects) explains the quantum and distribution of land uses; access; sustainable and beautiful design and layout principles; necessary infrastructure; the relationship between the site and other adjacent and nearby land uses; landscape and heritage assets; and other relevant matters.
- 11.4 The Illustrative Concept Masterplan follows 3 core design principles including:
- A Landscape Led Setting
 - Permeable Network of Routes
 - Context Responsive
- 11.5 Parameter Plans have been prepared to provide a clear and accurate framework that will inform the detailed design of the scheme, in accordance with paragraph 140 of the NPPF. The parameters are necessary to ensure that this development is implemented within the scope of the planning application and would be secured via condition.
- 11.6 An Illustrative Concept Masterplan has been prepared using the Parameter Plans to create the basis for developing the detailed design needed to deliver an attractive and coherent overall development. The Illustrative Concept Masterplan also provides an indication of how the scheme may look and demonstrates that the objectives and principles set out within the Parameter Plan can be delivered.
- 11.7 At the appropriate time, Reserved Matters applications would provide the detailed design of the proposals, working within the confines of an outline planning permission and development parameters.

Parameter Plans

- 11.8 A description of each Parameter Plan, and its key elements, is provided below:

Parameter Plan 1- Land Use & Landscape (ref. 70-10 Rev -)

- 11.9 This Parameter Plan provides the indicative areas for the proposed land uses, including proposed open space and landscaping. It identifies that:
- Residential development concentrated within the core of the site, accommodating up to 95 new homes with 40% affordable homes, bungalows and self-build/custom-build plots;
 - Multi-functional open space parkland is located along the eastern, northern and southern parts of the site;
 - A landscape buffer is to be provided along the backs of existing properties along the western boundary;
 - Allotments with associated parking to also be accommodated along the western boundary;
 - An extension to the Primary School and will take up an area of approx. 40m into the site;
 - An extension to the cemetery will be provided along the southern boundary.

Parameter Plan 2- Access & Movement (ref. 70-11 Rev-)

- 11.10 This Parameter Plan details the principles of access into the site and movement within in it. It identifies that:
- Vehicular access to the site is to be gained off the High Road in the north;
 - Pedestrian and cycle access to the site will be provided from the existing Sutes Farm access to the north which will be converted to a shared cycle/footway;
 - A pedestrian connection with the existing PRoW to the south of the site is also provided; and
 - A tree lined route will provide vehicular, cycle and pedestrian access into the development from the north;
 - On this tree lined route, pedestrian and cyclists will have a separate 3m wide route to follow the same alignment of the access road.

Parameter Plan 3- Building Heights & Density (ref. 70-12 Rev-)

- 11.11 This Parameter Plan details the proposed maximum building heights and residential density. It identifies that:
- Development on site to be a maximum of 2-2.5 storeys;
 - Densities vary slightly across the site with a medium density of 30-35 DPH (Dwellings Per Hectare) contained to the west; and
 - An area of low density 20-30 DPH along the edges of development in the east looking onto the open space.

Residential Density

- 11.12 EHDP Policy HOU2 (Housing Density) states that housing development should make the most efficient use of land and proposals are required to demonstrate how the density of new development has been informed by the character of the local area.
- 11.13 Policy HOU2 adds that higher net densities will be favourably considered on central sites in or near town centres and where the character of the surroundings allow; medium net densities will normally be appropriate for sites that are in more peripheral locations within and on the edge of these settlements; and, in villages and for some other locations, lower net densities may be more appropriate to respond to local character and context.
- 11.14 High, medium or low densities, are, however, not defined with the EHDP.
- 11.15 The submitted Parameter Plan 3- Building Heights & Density (ref. 70-12 Rev-) shows that the proposed development will have an area of low-density development (20-30 dph) on the northern and eastern edge of the site and the medium-density development (30-35 dph) on the remainder of the site, balancing making the most efficient use of land with the character of the local area.

Summary

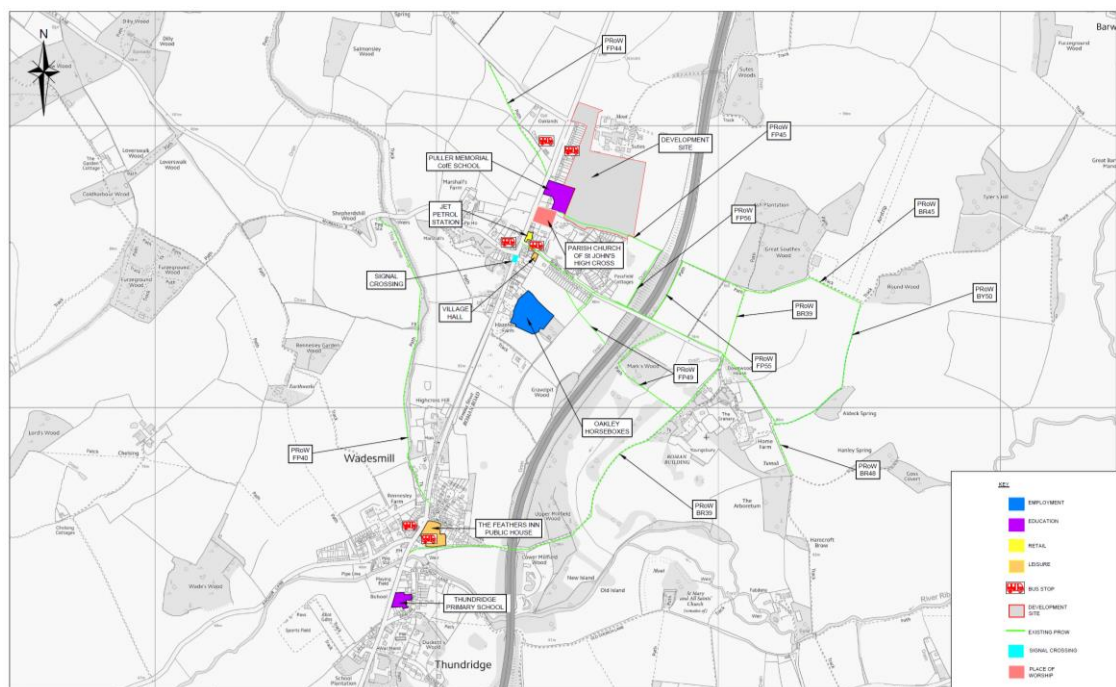
- 11.16 The masterplan principles adopted will enable the scheme to integrate with the spatial pattern, movement and townscape of the High Cross village, respecting the significance of the heritage assets of Sutes Farm and the Church of Saint John whilst reserving land for additional uses in response to the village's needs. The realisation of the vision for the scheme is to be controlled in accordance with the three parameter plans, consistent with the EHDP and NPPF design policies.

12.0 Transport

Sustainable Travel

12.1 The Transport Assessment (prepared by Cannon Consulting Engineers) identifies (paragraph 7.4) that the Site is located within a walkable neighbourhood (see Figure 13.1 below), with access points provided from the north and south of the Site via improved linkages, to support a range of sustainable modes including walking, cycling and public transport to enable sustainable journey to be made to key services and facilities in the village centre including the SPAR and primary school, to help aid carbon emission reduction.

Figure 12.1 Accessibility Plan



Source: Cannon Consulting Engineers

- 12.2 The existing good bus connections provide access to key local destinations including the larger settlement of Ware, to the south of the Site (TA, paragraph 7.4).
- 12.3 These modes of transport are supported and promoted by a Travel Plan, which will include incentives for residents which will help to promote and encourage the uptake of sustainable modes of travel from the development (TA, paragraph 7.5).
- 12.4 Therefore, the proposed development will provide sustainable access and movement in accordance with EHDP Policy TRA1.

Highways Access

12.5 A new vehicular access point is to be created to the north of the Site onto the main High Road, as detailed at the submitted *Proposed Access to Serve Residential Development and Sutes Farm (ref. U321-PL-SK-201 Rev P05)*.

- 12.6 This is a modified version of the previous access that was approved under application ref. 3/16/0246/FUL. The access proposals have been subject to a Stage 1 Road Safety Audit.
- 12.7 Traffic surveys, commissioned in October 2023, have been used to undertake a junction assessment of the proposed access arrangements, using for the application year (2023) and future year (2028) assessments. (TA, paragraph 7.6)
- 12.8 The trips associated with the development have been calculated using trip rates derived from TRICs and distributed on the highway network using a 2011 National Census journey to work data. The modest increase in trips on the wider highway network is, below the 30-two-way threshold used for consideration of need for further assessment. The level of generated traffic is low enough not to warrant further analysis of the highway network. (TA, paragraph 7.7)
- 12.9 The proposed site access junction has been shown to operate well within capacity for the proposed development in both base and future years in accordance with EHDP Policy TRA2 (Safe and Suitable Highway Access Arrangements and Mitigation) (TA, paragraph 7.8)

Parking

- 12.10 Car parking will be provided in accordance with EHDP Policy TRA3 (Vehicle Parking Provision) which requires compliance with East Herts’s Vehicle Parking Provision at New Development’ SPD (2015) as detailed below (TA, paragraph 4.14).

Figure 12.2 East Herts Parking Requirements

Use Class	Description	Car Parking Standards (Spaces per dwelling)	Minimum Cycle Parking Standards
C3 Residential	i) 1 bedroom dwelling/studies	1.5*	1 l/t space per unit if no garage or shed is provided
	ii) 2 bedroom dwellings	2.0	
	iii) 3 bedroom dwellings	2.5*	
	iv) 4 or more bedrooms	3.0	

Source: East Herts Vehicle Parking Provision at New Development’s SPD (2015)

Refuse

- 12.11 The new access point has been designed to accommodate a refuse vehicle. Swept path analysis for an 11.2m refuse vehicle has been undertaken and is included in the Transport Statement (CCE Drawing U321 206). The proposals allow for a refuse vehicle and a car to pass safely. (TA, paragraph 4.15)

Summary

- 12.12 The proposed development is accessible by non-car borne modes and the Framework Travel Plan will seek to increase cycle and bus accessibility. The predicted residential traffic generated by the development can be easily accommodated within the existing highway network without congestion.

13.0 **Landscape & Visual**

- 13.1 EHDP Policy DES2 (Landscape Character) TNP states that development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape. For major applications, or applications where there is a potential adverse impact on landscape character, a Landscape and Visual Impact Assessment and/or Landscape Sensitivity and Capacity Assessment should be provided.
- 13.2 Policy THE4 (Important Views) of the TNP (2021) identifies ten important views within the Parish and that development proposals must include an assessment of the impact that development will have on these key views. Proposals, where a harmful impact is identified, will only be permitted where appropriate mitigation measures can be delivered.
- 13.3 In accordance with the above, a Landscape and Visual Impact Assessment ('LVIA' prepared by Nicholsons) has been submitted with this application and is summarised below.
- 13.4 Importantly, the LVIA notes that the Site is not present within any of these important views identified at Policy THE4 of the TNP (LVIA, para 2.19).

Landscape

- 13.5 The LVIA concluded that the Site represents an area of open arable land on the eastern edge of the village of High Cross, separated from the wider countryside by a combination of existing structures and the A10 dual carriageway. It is therefore subject to a range of 'fringe' influences that reduce its tranquillity and perceptual qualities (LVIA para 9.1).
- 13.6 The wider setting of the Site is characterised by rolling arable land interspersed with mature woodland, most of which is ancient (LVIA para 9.2).
- 13.7 The development design has been influenced by a consideration of landscape and visual factors from the outset, alongside other technical disciplines. It has resulted in the restriction of built development to its current extent and the inclusion of open space and structural planting following a linear corridor on the periphery of the scheme, connecting with the existing public footpath. It has also resulted in the profiling of the layout of the built components and the reinforcement of existing characteristics through the creation of new tree and woodland areas in conjunction with retained arable land to the east of the Site (LVIA para 9.3).
- 13.8 The results of the assessment were that there would be no adverse impact of greater than Minor significance, and that the most significant impact would be a beneficial impact of Moderate/Minor significance upon the established characteristic of trees and woodland within this landscape (LVIA para 9.4).

Visual

- 13.9 The LVIA concluded that the Site occupies a relatively restricted visual envelope due to the presence of structures and woodland within its immediate and wider setting and that all longer views towards the Site were largely obscured by these elements (LVIA para 9.5).

- 13.10 The majority of visual receptors were found to be the users of local Public Rights of Way, but they also included the users of Marshall's Lane and the private occupants of the existing dwellings along High Road (LVIA para 9.6).
- 13.11 The assessment concluded that the proposed development would not result in any adverse impacts greater than Moderate significance, relating to the users of Public Byway 050 to the east of the Site due to their high inherent sensitivity (LVIA para 9.7).
- 13.12 The positive design measures enshrined within the submitted development layout were such that those receptors within and directly adjacent to the Site would only experience adverse impacts of Moderate/Minor significance (LVIA para 9.8).

Summary

- 13.13 The LVIA finds that the proposed development will not result in any adverse effects of greater than Moderate significance, and that its most significant landscape effect will be beneficial. It is therefore considered that the development is acceptable on landscape and visual grounds and in accordance with EHDP Policy DES2 (Landscape Character).

14.0 Heritage

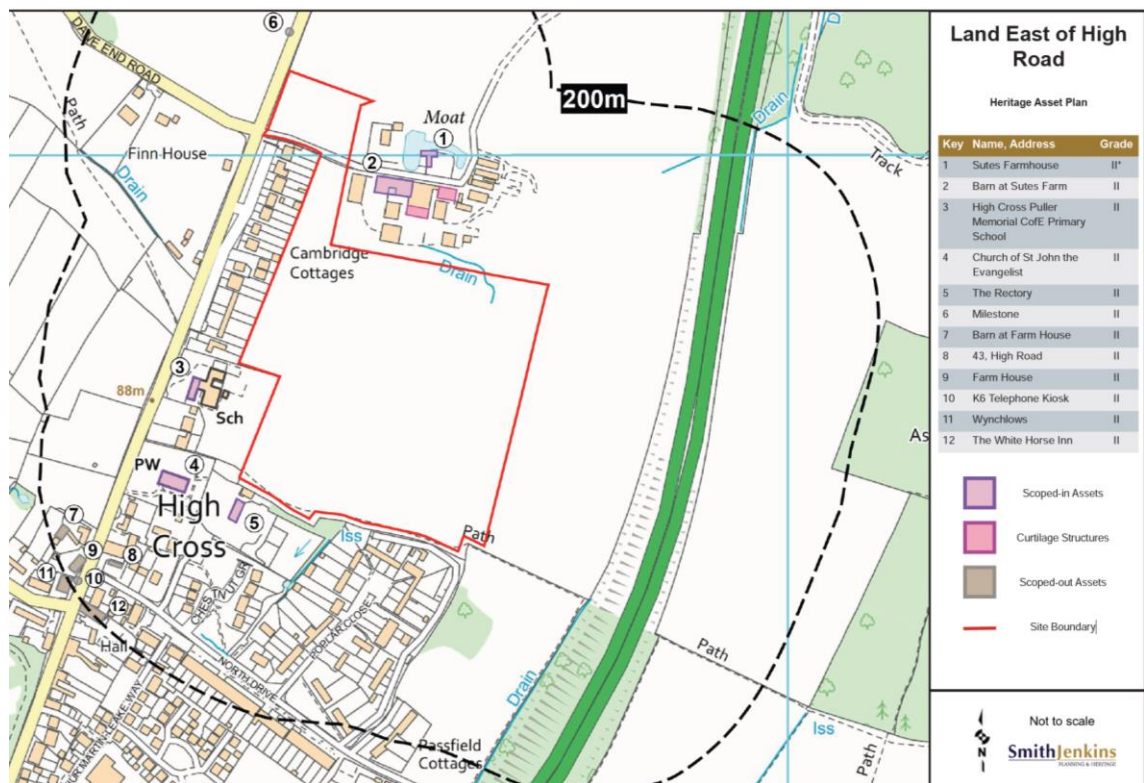
14.1 In accordance with paragraph 200 of the NPPF, the application submission includes an assessment of the potential effects of the proposed development on the significance and setting of identified heritage assets surrounding the site in the Heritage Statement (prepared by Smith Jenkins Planning & Heritage).

Heritage Assets and their Significance

14.2 There are no designated heritage assets within the application Site.

14.3 There are a number of designated heritage assets surrounding the application site, shown on Figure 14.1 below.

Figure 1 Designated Heritage Assets in proximity to the Site



Source: Smith Jenkins Planning & Heritage

14.4 The Heritage Statement notes (para 2.8) that EHDC does not include a publicly accessible local list, and no non-designated heritage assets have been identified by Smith Jenkins during desk and site-based research.

Heritage Effects

14.5 The Heritage Statement concludes (para 5.32) that the application proposals would preserve the significance of the Grade II listed Rectory and High Cross Puller Memorial CofE Primary school.

- 14.6 In respect of the Grade II* Sutes Farmhouse, Grade II listed Barn at Sutes Farm and the Grade II listed Church of St John the Evangelist, it has been concluded that the application proposals would cause a degree of harm to their significance as a result of the change within the setting replacing their current open setting with one that is built.
- 14.7 This 'harm' would, for the purposes of the NPPF, be 'less than substantial'. In respect of the 'spectrum' of harm, this would be at the lower end of the scale for the identified heritage assets. This finding of harm is the result of the change in the surroundings to the listed building, with the change in character from an open setting to a built one.
- 14.8 In addition, it has been identified that there are several assets where as a result of change within their setting (i.e. an indirect effect), there would be an element of harm to significance. In all cases, and in relation to the NPPF, this harm, would be 'less than substantial'.
- 14.9 Concluding that the Proposed Development causes an element of harm to significance (in this case by virtue of change within the setting of heritage assets) does not automatically equate to refusal. Instead, Paragraph 208 of the NPPF requires that any harm is balanced against the wider public benefits of the scheme.

Public Benefits

- 14.10 We consider that the low level of harm is outweighed by the **social** benefit of providing:
- 1 **New Homes:** providing up to 95 high-quality homes (including 5% self-build) within a district where there has been insufficient housing delivery, there is a need to provide more homes and there is presently an absence of a 5YHLS; and
 - 2 **Affordable Homes:** providing 40% affordable housing (with a tenure split of 75% affordable rent and 25% intermediate homes), helping to meet the needs of those living within East Herts; and
 - 3 **Housing Mix:** providing a range of unit sizes including a number of smaller homes and bungalows, in response to the local need.
- 14.11 The land reserved for educational, burial and allotment uses provides additional benefits in response to the needs of the village and the parish:
- 1 **Puller Memorial Primary School Expansion:** providing land for the expansion of this primary school, necessary to help increase the pupil intake up to capacity;
 - 2 **Allotment Provision:** provide land for community allotments where there is none currently provided within High Cross and a waiting list for the Thundridge allotments; and
 - 3 **Cemetery Expansion:** provide land for and expansion of existing cemetery to enable greater burial provision.
- 14.12 The proposal will also deliver **environmental** and **economic** benefits:
- 1 **Natural Environment:** large areas of accessible multifunctional open space with views towards the Church's tower and areas for play for children;

- 2 **Active Modes of Travel:** development designed to prioritise sustainable and active modes of travel including walking and cycling, with separate connections to north and south of the Site;
- 3 **High Quality Homes:** respecting the local traditional vernacular and designed to create healthy living environments which are flexible for future use;
- 4 **High Quality Place Making:** development in a sustainable location which will continue the natural extension of the large Group 2 village (formerly a Group I village) and use its facilities sustainably;
- 5 **Investment and Value Added to the Local Economy:** Construction investment (and jobs) and expenditure from new residents helping to boost High Cross, Thundridge and High Cross.
- 6 **Planning Obligations:** where these serve the village, parish and district needs, over and above that necessary to mitigate the effects of the proposed development.
- 7 **Council Taxes:** additional revenue to EHDC from additional Council Tax receipts.

Summary

14.13

The less than substantial harm, at the lower end of the scale, is identified in respect of 3 designated heritage assets, but this is clearly outweighed by the public benefits arising from the new homes proposed. In addition, the scheme brings other social, environmental and economic benefits.

15.0 **Other Environmental Effects**

Noise

- 15.1 EHDP Policy EQ2 (Noise Pollution) requires that development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment and particular consideration should be given to the proximity of noise sensitive uses, and in particular, the potential impact of development on human health.
- 15.2 The Noise Impact Assessment (prepared by Quantum Acoustics), informed by an environmental noise survey to establish the existing noise levels, finds that the Site is traffic noise from the A10 and local traffic movements on High Road/Ermine Street are the main noise sources. Industrial noise is also intermittently present but not dominant (Noise Impact Assessment, para 11.1).
- 15.3 The potential risk of the Site has been assessed in with national and local planning policies and guidance and ProPG Stage 1 and Stage 2 assessments have been undertaken (Noise Impact Assessment, para 11.2).
- 15.4 The Stage 1 assessment concludes that the site has a “negligible” to “low” noise risk (Noise Impact Assessment, para 11.3).
- 15.5 The Stage 2 assessment demonstrates:
- The scheme follows a good acoustic design process to mitigate noise levels;
 - The proposed development can be designed to deliver appropriate internal noise levels for all modes of ventilation;
 - The proposed development embeds appropriate design strategies for providing access to good quality external amenity space for future residents;
 - The development does not require specific mitigation and should not create any unintended adverse consequences for future residents the proposed development; and
 - The proposed development does not raise any agent of change concerns in relation to existing neighbouring business or community use facilities (Noise Impact Assessment, para 11.4).
- 15.6 In light of the above, it is concluded that the proposed development fully complies with EHDP Policy EQ2 (Noise Pollution) and the NPPF (Noise Impact Assessment, para 11.5).

Air Quality

- 15.7 EHDP Policy EQ4 (Air Quality) states that all developments should include measures to minimise air quality impact at the design stage and should incorporate best practice in the design, construction and operation of all development.
- 15.8 In accordance with the East Herts Air Quality Design Document, the Air Quality Assessment (prepared by Mayer Brown) has been prepared.

15.9 It finds that the proposed development does not raise any significant adverse impacts on the health and/or quality of life for any existing or proposed receptors, as a result of any anticipated changes to air quality (Air Quality Assessment, para 7.11).

15.10 It is therefore concluded that the proposed development complies fully with air quality related national and local planning policy and any mitigation can, if considered necessary, be enforced by means of appropriate planning conditions, consistent with paragraphs 54 and 55 of the NPPF (Air Quality Assessment, para 7.12).

Flood Risk and Drainage

15.11 EHDP Policy WAT1 requires that development proposals should neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people, property, crops or livestock from such events, both on site and to neighbouring land or further downstream.

15.12 The Flood Risk Assessment ('FRA', prepared by Cannon Consulting Engineers) concludes that the Site is not considered to be liable to significant or unmanageable flooding from the sources identified in the Flood and Water Management Act 2010 (FRA, para 4.1).

15.13 Surface water runoff from the development will be discharged at greenfield rates to the watercourse located to the north of the Site (within the same land ownership as the Site). On-site attenuation will be provided to manage flows up to and including the 1 in 100 annual probability storm event inclusive of 40% climate change allowance (FRA, para 4.2).

15.14 The proposed outline surface water management strategy allows for sufficient space within the layout to be set aside for water management. The strategy also allows for sufficient treatment of runoff prior to it leaving the proposed development (FRA, para 4.3).

15.15 It is envisaged that maintenance of the scheme will be undertaken by a private management company with some elements potentially adopted by Thames Water (FRA, para 4.4).

15.16 The proposed development would therefore accord with Policy WAT1 of the EHDP.

Ecology

15.17 EHDP Policy NE3 Species and Habitats states that development should always seek to enhance biodiversity and to create opportunities for wildlife. Proposals must demonstrate how the development improves the biodiversity value of the site and surrounding environment. Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application.

15.18 The Preliminary Ecological Appraisal and Protected Species Report ('PEA' prepared by Geosphere Environmental) finds that the proposed development will not adversely affect any statutory or non- statutory designated nature conservation sites. None of the habitats that occur within the survey area were considered to have high ecological importance on an international, national, regional or county scale. The habitats onsite are of local significance only. (PEA, conclusion)

15.19 The findings of the habitat survey and protected species scoping survey confirm that the habitats onsite have the potential to support reptiles, foraging and roosting bats, breeding

birds, hedgehog and badger. It is considered unlikely that great crested newts would be using the Site.

15.20 To help achieve biodiversity net gain on the site, areas of natural habitat would need to be included within the scheme. (PEA, conclusion)

15.21 Opportunities exist for the provision of ecological enhancements in the form of integrated bat and bird boxes, log piles for invertebrates and the incorporation of locally sourced native plant species, or those of known wildlife benefit, into the landscape strategy (PEA, conclusion)

15.22 Provided the recommendations within these reports are followed and the mitigation hierarchy of avoidance, mitigation, compensation and enhancement is implemented throughout the detailed design process, potential negative effects from development on important ecological features will be negligible (PEA, conclusion).

15.23 Accordingly, the proposed development is in accordance with Policy NE3 of the EHDP.

Sustainable Construction, Energy and Water

15.24 EHDP Policies DES4 Design of Development, CC1 Climate Change Adaption, CC2 Climate Change Mitigation and WAT4 Efficient Use of Water Resources, seek that developments use sustainable construction design, minimise carbon dioxide emissions and minimise the use of mains water.

15.25 The Sustainable Construction, Energy & Water Statement (prepared by Hydrock) confirms that the design and construction of the development will be in accordance with the applicable standards within the Building Regulations, EHDP, East Herts Sustainability SPD and NPPF.

15.26 The Statement goes on to identify possible approaches to addressing overheating risk, climate resilience, sustainable and responsible materials usage as well as efficient use of mains water.

15.27 The final energy and main water performance for each of the house types and development overall would be presented for assessment at the detailed design stage, to demonstrate compliance with EHDP policies DES4, CC1, CC2 and WAT4 as well as the NPPF.

Summary

15.28 An assessment of the proposed development on environmental matters including Noise, Air Quality, Flood Risk and Ecology have been assessed as part of this application. It is concluded that:

- **Noise:** The site has a “negligible” to “low” baseline noise risk. The proposed development does not require specific mitigation and should not create any unintended adverse consequences for future residents of the proposed development. Development would comply with EHDP Policy EQ2 (Noise Pollution)
- **Air Quality:** The proposed development does not raise any significant adverse impacts on the health and/or quality of life for any existing or proposed receptors, as a result of

any anticipated changes to air quality and therefore complies with EHDP Policy EQ4 (Air Quality).

- **Flood Risk:** The site is entirely in Flood Zone 1 and is not considered to be liable to significant or unmanageable flooding from the sources identified in the Flood and Water Management Act 2010. Development would comply with EHDP Policy WAT1.
- **Ecology:** Provided the recommendations within the Ecology Reports are followed and the mitigation hierarchy of avoidance, mitigation, compensation and enhancement is implemented throughout the detailed design process, potential negative effects from development on important ecological features will be negligible. Development would comply with EHDP Policy NE3.
- **Construction, Energy and Water :** The scheme will use sustainable construction design, minimise carbon dioxide emissions and the use of mains water, , in order to comply with EHDP policies DES4, CC1, CC2 and WAT4.

16.0 **Draft S106 Heads of Terms**

16.1 The planning obligation topics listed below set out the potential site-specific mitigation proposed and anticipated financial contributions, in accordance with the East Herts Planning Obligations SPD (October 2008) and East Herts Typical S106 Requirements (2021) and where evidenced as necessary by the LPA or the statutory authorities.

- 1 Affordable Housing
 - i Quantum (40% by unit)
 - ii Tenure (targeting a split of 75% affordable rent and 25% intermediate)
- 2 Land safeguarded for Puller Memorial Primary School
- 3 Land reserved for allotment use on Site
- 4 Land reserved for cemetery use on Site
- 5 Transport
 - i Travel Plan
 - ii Travel Plan Evaluation and Support
 - iii Sustainable Transport
- 6 Education
 - i Childcare Facilities
 - ii Nursery Education
 - iii Primary Education
 - iv Secondary Education
- 7 Health Facilities (EHDC on behalf of NHS)
- 8 Library Facilities
- 9 Playing Pitches
- 10 Recycling
- 11 Waste Services
- 12 Youth Facilities
- 13 East Herts Contribution Calculator- Financial contributions, where evidenced to be necessary and proportionate, directly relate to the acceptability of this development and there is a defined end use for the contribution.
- 14 Monitoring, Review and Legal Fees
 - i EHDC Monitoring
 - ii HCC Monitoring

17.0 **Planning Balance and Conclusions**

- 17.1 The 7.75ha application Site is located adjacent to the north and east of the settlement boundary of High Cross village and south of Sutes Farm. High Cross and Thundridge & Wadesmill (grouped as a single settlement) are 'Group 2 Villages' in the 2018 EHDP.
- 17.2 This application seeks outline planning permission (with all matters reserved save for access) for the development of up to 95 new dwellings (of which 40% will be affordable), community uses comprising land reserved for expansion of the Puller Memorial Primary School, allotments and cemetery expansion, as well as landscaping and associated infrastructure.
- 17.3 The proposal conflicts with the spatial strategy of the EHDP (2018), namely Policies GBR2 and VILL2, as the site is unallocated and falls within the Rural Area beyond the Green Belt. However, EHDP Policy VILL2 policy contemplates sites coming forward for housing beyond the village boundary as exceptions, the site lying adjacent to two sides of the settlement boundary of High Cross.
- 17.4 There are a number of material considerations which justify the release of the application site for housing-led development, as an exception to policy. The application development: is consistent with the appropriate development criteria within a Group 2 village in limb (V) of Policy VILL 2;
- will provide beautiful, well-designed and located sustainable development, in accord with the EHDP and NPPF design, transport, environment, housing and economic policies;
 - will not cause any significant adverse landscape or visual impacts on the identified receptors;
 - will cause less than substantial harm, at the lower end of the spectrum, to three designated heritage assets but this is clearly outweighed by the social benefit arising for the contribution of up to 95 homes which accord with the EHDP affordable housing and tenure requirements; and
 - there are, in addition, other social, economic and environmental benefits which weigh in favour of the proposal, in particular its contribution to assisting the local primary school, allotments and burial needs in the parish.
- 17.5 We therefore conclude that the harm to Development Plan policy is limited to the residual landscape and visual harms and that these are outweighed by the above material considerations, applying a normal planning balance.
- 17.6 Furthermore, the revised NPPF seeks to significantly boost supply and to meet local housing needs. There is a need for substantially more housing in East Herts district and, at present, there is an absence of a 5YHLS of deliverable sites in the district and therefore the EHDP housing and spatial policies are 'out of date'. Thus, the 'tilted balance', providing a presumption in favour of approving this sustainable development presently applies and adds to the case for granting outline planning permission.
- 17.7 Overall, the proposed residential-led development of this Site represents sustainable development that will deliver a range of very significant housing benefits and other

community benefits for the village of High Cross, Thundridge parish and East Herts district.

Appendix 1: East Herts 5YHLS Review Note

Briefing Note

Our ref 66333/01/SB/JHy
Date 8 January 2024
To M Scott Properties Ltd and Messrs R, C and G Parkins
From Lichfields

Subject East Hertfordshire District Council: Five Year Land Supply Review

1.0 Introduction

- 1.1 This note has been prepared by Lichfields on behalf of the applicant in relation to a proposed development at 'Land East of High Road, High Cross' (LPA: East Hertfordshire District Council). It supports an outline planning application with all details reserved save for access.
- 1.2 The purpose of the note is to explain Lichfield's consideration of what East Hertfordshire District Council's ('the Council', 'East Herts') 'Five-Year Housing Land Supply' ('5YHLS') position currently is, to inform the wider planning submission. This takes account of the changes to the operation of Housing Land Supply ('HLS') as per the revised NPPF (Dec 2023).

2.0 The Council's 5YHLS position

- 2.1 The Council's latest Five-Year Housing Land Supply 5YHLS position is detailed within the November 2022 'Position Statement'. This sets out that the Council can demonstrate a supply equivalent to 5.80 years (rounded) as detailed in Table 1. As a starting point then, the Council purports – at least based on published material – to be able to demonstrate a 5YHLS.

Table 1 East Hertfordshire Stated Five-Year Land Supply

East Herts Stated 5YHLS	
Five Year Requirement (including 5% buffer)	6,482.7
Deliverable Supply	7,516
Five Year Supply	5.796 years
Shortfall / Surplus	+1,033.3 homes

Source: East Herts - Land Supply Position Statement November 2022

Appeal precedent – Whempstead Road, Benington appeal (ref. 3303408, 3303413, & 328872)

- 2.2 Shortly after the November 2022 'Position Statement' was published, the Council's 5YHLS was considered as part of the 'Whempstead Road' appeal (decision date: 24th January

2023). In this appeal, the Inspector (as part of the hearing) considered whether the sites included in the supply met the definition of ‘deliverable’ (NPPF Annex 2) noting the requirement for ‘clear evidence’ to be published for types of sites without a detailed planning permission (known as ‘Category B’ sites).

2.3 In summary, the Inspector made the following conclusions on four sites¹:

- **GA1 and HERT3:** The Inspector noted that applications had been submitted for outline planning permission in 2019 but were yet to be determined. The delay in determining the applications had undermined the confidence of the Inspector alongside specific viability issues with one of the schemes (which scheme is not identified). (see DL 55 to 56)
- **WARE 2:** The Inspector noted that an application had only recently been submitted and at the time of the hearing (held on the 14th and 15th December 2022) was yet to be validated. On that basis, the Council’s assumption that resolution to grant would be made in the first quarter of 2023 was “*incredibly optimistic*”. (see DL 57)
- **EWEL 1:** The Inspector noted that an outline planning application had been submitted in July 2022 but that it had – at the time of the hearing – not been determined and straddled the administrative boundary that would “*add further complexity*”. (see DL 58)

2.4 Based on the above, the Inspector concluded the following:

“All of the above leads me to question the overall deliverability of the Council’s anticipated supply of housing. In line with the appellants’ assessment, the four sites above account for circa 1,800 dwellings. As such, in omitting these sites from the anticipated 5-year HLS, the Council’s deliverable supply of housing would fall short of the 5-year HLS requirement by approximately 760 dwellings. This would represent a moderate shortfall.

Nevertheless, this means that the Council are unable to demonstrate a five year supply of deliverable housing sites as required by paragraph 68 of the Framework. Therefore, the policies which are the most important for determining these schemes are deemed to be out of date. In such circumstances, paragraph 11(d)(ii) of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.” (DL 60 - 61)

3.0 What is the 5YHLS position now?

3.1 The Council has not published an update to its 5YHLS position since the ‘Whempstead Road’ appeal or a revised position with a new base date. However, the revised NPPF (Dec 2023) has been published changing the operation and calculation of HLS. The below sets out a review of changes arising from the revised NPPF (Dec 2023) and a review of the supply following the Whempstead Road appeal.

¹ As labelled in the decision and within the 5YHLS position

Revised NPPF

- 3.2 The revised NPPF was published on 19th December 2023. Paragraph 76 states that LPAs are not required to identify and update annually a 5YHLS where said LPA (a) has a plan adopted in the past five years; and (b) that plan identified a 5YHLS at the time the examination concluded. The East Hertfordshire ‘District Plan 2018’ was adopted in October 2018 and is therefore more than five years old. Therefore, in accordance with paragraph 77 of the NPPF (Dec 2023) the Council still needs to identify and annually update a HLS. Where it cannot demonstrate a sufficient HLS, the provisions of paragraph 11(d) – the so-called ‘tilted balance’ – apply.
- 3.3 Paragraph 77 states that an LPA will need to demonstrate HLS equivalent to either a minimum of five years’ worth or, should the provisions of paragraph 226 apply, a minimum of four years’ worth. Paragraph 226 states that the four-year test applies to LPAs that *“have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 ... stage, including both a policies map and proposed allocations towards meeting housing need.”* As of writing, the Council has not reached the Regulation 18 stage of plan making. Therefore, the Council need to continue to demonstrate five years’ worth of supply.
- 3.4 The revised NPPF (Dec 2023) has also removed the need to add either a 5% or 10% buffer where an LPA needs to demonstrate a HLS. Instead, only a 20% buffer is now appropriate where an LPAs Housing Delivery Test (‘HDT’) measurement falls below 85%. The Council’s latest HDT measurement (2022) is 125% and therefore a buffer no longer needs to be added to East Herts 5YHLS calculation.
- 3.5 Finally, paragraph 77 states that *“National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed.”* Considering shortfalls and over-supply in the context of current ‘Planning Practice Guidance’ (‘PPG’):
- **Shortfalls:** The PPG (ID: 68-031) states that any shortfall should be calculated from the base date and that total should be added to the requirement for the next five-year period. However, in cases where the standard method is used no separate shortfall should be added because the methodology accounts for past shortfalls through an affordability uplift. The later is the case in East Herts.
 - **Over-supply:** Currently, the PPG (ID:68-032) states that over-supply can be used to offset past shortfalls. New guidance is expected to update as to how over-supply should be accounted for (as per the Government’s response to the NPPF consultation²) but this has not been published.

The five-year requirement

- 3.6 In the context of the above, Table 2 below shows a comparison between the Council’s stated five-year requirement and that which is appropriate now given changes to relevant HLS

² <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/outcome/government-response-to-the-levelling-up-and-regeneration-bill-reforms-to-national-planning-policy-consultation>

policy in the revised NPPF (Dec 2023). The total five-year requirement falls from 6,483 to 5,560 homes in the relevant five-year period.

- 3.7 The reason for this fall is related to the Council’s ‘East Herts District Plan’ (2018). This plan was adopted on the 23rd October 2018 and is now more than five years old. The Council has undertaken a Regulation 10a (‘Reg.10a’) review of its plan which concluded the plan requires updating in part because housing needs have increased from the 839 dpa requirement to 1,112 dpa (a figure derived from the standard method – 2023 base date, 2022 affordability ratio).
- 3.8 The effect of both the plan becoming more than five-years old and the conclusions of the Reg.10a review, is that the housing requirement for assessing 5YHLS needs to be revisited. Where a requirement is more than five-years old and has been found to require updating, the standard method should be used to assess 5YHLS (in accordance with Footnote 42 of the NPPF).
- 3.9 In the case of East Herts, the standard method currently outputs a local housing need figure of 1,112 dpa. While this figure is greater than the local plan requirement, the overall five-year requirement falls to 5,560 homes in the five-year period (from the previous stated requirement of 6,483 homes). This is because – in accordance with the PPG (ID: 68-031) – where the standard method is used to calculate a five-year requirement any shortfall accrued does not need to be added to the requirement.

Table 2 East Hertfordshire Stated Five-Year Land Supply

	Stated Position	Current Position
Basic Annual Requirement	839 (Local Plan Requirement)	1,112 (2023 standard method)
Shortfall	1,979	n/a
Buffer	5%	0%
Total Five-Year Requirement	6,482.7	5,560

Source: East Herts - Land Supply Position Statement November 2022, Lichfields Analysis

The deliverable housing supply

- 3.10 We have reviewed the sites referenced by the ‘Whempstead Road’ appeal Inspector to consider whether we would come to a different conclusion now than the Inspector did in January 2023.

Table 3 Site Review Update – Whempstead Road Appeal

Site	Stated Deliverable Supply	Lichfields Review	Lichfields Conclusion
GA1	875 homes	The outline application (ref. 3/19/1045/OUT) referred to by the Inspector remains pending determination having been submitted in June 2019. The site has not made material progress to delivery since the ‘Whempstead Road’ appeal decision and the lack of progress leads us to conclude the same conclusion – that the site is not deliverable – remains the right one now.	Not deliverable. (-875 homes)
HERT3	300 homes	The outline application (ref. 3/19/0790/OUT) referred to by the Inspector remains pending determination – despite having been submitted in 2019 – with amended plans were submitted in July 2023. The site has not made material progress since the ‘Whempstead Road’ appeal and the lack of progress leads us to conclude the same conclusion – that the site is not deliverable – remains the right one now.	Not deliverable. (-300 homes)
WARE 2	500 homes	An application seeking hybrid permission for 1,800 homes was submitted on 14 th November and has since been validated on the 6 th January 2023 (ref. 3/22/2406/FUL). The application is still awaiting a decision confirming the ‘Whempstead Road’ Inspectors suspicions that a 2023 quarter 1 decision was optimistic. The position remains that there is not clear evidence of 500 completions occurring by 2026/27.	Not deliverable. (-500 homes)
EWEL 1	125 homes	The outline application referred to in the ‘Whempstead Road’ appeal (ref. 3/22/1315/OUT) remains pending determination. It had been expected that reserved matters would be submitted in 2023 which in all likelihood will not be achieved.	Not deliverable. (-125 homes)

Source: Lichfields Analysis

- 3.11 As per the review above, the conclusions of the ‘Whempstead Road’ – made in January 2023 – still hold true in respect of the deliverable supply. There has remained to be a lack of material progress across the four sites above, which combined were meant to deliver 1,800 homes in the five-year period, and therefore these sites cannot be considered to be ‘deliverable’.
- 3.12 In addition, we have undertaken a review of the one remaining allocation without a detailed permission that was not reviewed by the Whempstead Road inspector as per Table 4 below.

Table 4 Site Review – Lichfields

Site	Stated Deliverable Supply	Lichfields Review	Lichfields Conclusion
BISH8	150 homes	<p>An outline planning application was submitted for up to 225 homes alongside other development in December 2022. The Council has been expecting the development to complete in 2024/25.</p> <p>The outline application has since been withdrawn in September 2023. It is currently unclear when a new application will be made for the development. It is also unclear whether that new application will be for outline or full planning permission (with outlines taking longer to come forward).</p> <p>Overall, we conclude given the withdrawal that the site is no longer deliverable given the timeframes to revise and resubmit the application, determine the new application, discharge relevant conditions, potentially submit reserved matters applications, discharge relevant conditions related to those, and then build out the homes.</p>	Not deliverable. (-150 homes)

Source: Lichfields Analysis

- 3.13 In addition, reviewing the windfall allowance, an allowance of 75 dpa is made across four years. However, when reviewing the housing trajectory (Appendix A to the ‘East Herts - Land Supply Position Statement November 2022’) there are numerous small sites (i.e. below 10 units) that are expected to deliver in the first three years of the five-year period. The windfall allowance therefore double counts with existing permissions. To avoid double counting, we have removed the windfall allowance in all but the last two years as per Table 5 below (which is standard practice in applying a windfall allowance). The Whempstead Road Inspector did not comment on the Council’s windfall allowance.

Table 5 Windfall Review

	2022/23	2023/24	2024/25	2025/26	2026/27	Total
East Herts DC	0	75	75	75	75	300
Lichfields	0	0	0	75	75	150 (-150)

Source: Table 8 East Herts - Land Supply Position Statement November 2022, Lichfields Analysis

Summary

- 3.14 Accounting for both the amends to the supply and housing requirement, the Council’s overall 5YHLS position stands at 4.87-years.

Table 4 East Hertfordshire Stated Five-Year Land Supply

East Herts 5YHLS	Stated Position	Lichfields Position
Five Year Requirement	6,482.7	5,560
Deliverable Supply	7,516	5,416
Five Year Supply	5.80 years	4.87 years
Shortfall / Surplus	1,033 homes	-144 homes

Source: East Herts - Land Supply Position Statement November 2022, Lichfields Analysis

4.0 Conclusions

The ‘titled balance’

- 4.1 The Council is unable to demonstrate 5YHLS. This is based on the supply amends made by the ‘Whempstead Road’ appeal Inspector, further amends made by ourselves, and consideration of what the council’s five-year requirement currently is in light of the revised NPPF (Dec 2023). This means that Paragraph 11(d) of the NPPF (Dec 2023), the so-called ‘tilted balance’, is engaged for the determination of this outline application at ‘Land East of High Road, High Cross’.

Significance to the degree of shortfall

- 4.2 Notwithstanding the binary nature of engaging NPPF Paragraph 11(d), the scale of any 5YHLS shortfall is also material and will impact on the weight to be attached to the matters to be weighed in the tilted planning balance in East Herts determination; it is therefore considered necessary to address, at least in broad terms, the scale of shortfall. This approach is consistent with the high court judgment *Gladman v SoS Housing Communities and Local Government [2019] EWHC 128*,³. Generally, the greater the degree of shortfall, the greater weight the shortfall must be given in the balancing exercise.
- 4.3 The degree of shortfall in the case of East Herts is currently at least 0.13 years. We consider this to represent a ‘limited’ shortfall in the context of the overall provision of weight to housing; albeit this is concluded from a limited review of the deliverable supply.
- 4.4 Notwithstanding, the weight to shortfall is enhanced – in our planning judgement – in East Herts because of the following factors (that we will consider in the Planning Statement):
- 1 A shortfall of 1,978 homes has accrued within the current plan-period⁴ and there is not sufficient deliverable supply to deliver the homes required within the plan-period to 2027. Just because this figure is no longer counted in the 5YHLS calculation does not mean a shortfall in delivery has not occurred. This shortfall represents homes not delivered to provide much needed accommodation for those within the District and those looking to move into it.

³ Gladman Development Ltd v Secretary of State of Housing Communities And Local Government & Anor [2019] EWHC 128 (Admin) (29 January 2019) - <https://www.bailii.org/ew/cases/EWHC/Admin/2019/128.html>

⁴ This is based on completions from 2011/12 to 2021/22 as per Table 1 in ‘East Herts - Land Supply Position Statement’ position (November 2022) compared against the local plan requirement of 839 dpa.

- 2 The district's median 'affordability ratio' currently stands at 12.29 (2022). This is above both the national England median ratio (8.28) and the South East ratio (10.75).
- 3 The Council has undertaken a Reg.10a review of its adopted local plan and concluded that it requires updating. This is in part due to greater local housing needs: now standing at 1,112 dpa based on the standard method (2023 base date, 2022 affordability ratio). The review also notes a 'full update' to the plan is likely required⁵.

The Council's agreed course of action is to undertake evidence base work and wait until the trailed new planning system – aimed to commence in Autumn 2024 – is 'live' after which the Council can then seek to prepare a new plan. This means that the district will be without a plan to address high levels of need for years to come.

⁵ Para 3.35, 'Review of the East Herts District Plan 2018'

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