

**3/14/2023/OP – Outline application with all matters reserved for the erection of 13 dwellings at land south of Tanners Way, Hunsdon, SG12 8QD for Mr and Mrs P Findlay**

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**Date of Receipt:** 17.11.2014

**Type:** Full – Major

**Parish:** HUNSDON

**Ward:** HUNSDON

**RECOMMENDATION:**

- a) That, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:
- The provision of 25% affordable housing comprising of a mixture of 75% social rent and 25% shared ownership;
  - Financial contributions towards secondary education, youth and library services based upon table 2 of the Hertfordshire County Council Planning Obligation toolkit;
  - A financial contribution towards sustainable transport schemes and traffic calming/safety enhancements based upon the size of the dwelling (1 bed = £625, 2 bed = £750, 3 bed = £1125, 4 bed £1500.);
  - A financial contribution towards the Hunsdon Village Hall based upon table 11 of the Planning Obligations SPD;
  - A financial contribution towards children and young people (improvement to the play equipment at the recreational playing field) and sports and recreation (refurbishment of the village tennis courts) based upon table 8 of the Planning Obligations SPD;
  - Fire hydrants;
  - Monitoring fee of £310 per clause.

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:

1. Details of the access, appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') of the development shall be submitted to and approved in writing by the Local Planning Authority

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before any development begins and the development shall be carried out as approved.

Reason: To comply with the provision of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

2. Application for approval in respect of all matters reserved in this permission shall be made to the Local Planning Authority within a period of 2 years commencing on the date of this notice.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and in the interests of ensuring that the development meets the housing needs of the District.

3. The development to which this permission relates shall be begun prior to the expiration of a period of 1 year commencing on the date upon which final approval of reserved matters is given by the Local Planning Authority or, in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and in the interests of ensuring that the development meets the housing needs of the District.

4. Approved plans (2E103)
5. Prior to the commencement of any development, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - wheel washing facilities;
  - measures to control the emission of dust and dirt during construction;
  - a scheme for recycling/disposing of waste resulting from demolition and construction works.

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Reason: To minimise impact of construction process on the on local environment and local highway network.

6. Construction hours of working (6N07)
7. Prior to the commencement of development, a detailed surface water drainage scheme and maintenance strategy for the drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be based upon the outline drainage strategy (RAB dated 27 October 2014). The development shall be implemented in accordance with the approved details.

Reason: To prevent an increased risk of flooding, to improve and protect water quality, and improve habitat and amenity and to ensure that the drainage infrastructure put in place in managed and maintained properly in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and section 10 of the National Planning Policy Framework.

8. Prior to first occupation of the development details of an acoustic fence as set out in the Cass Allen Noise Report dated 19 February 2015 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure appropriate provision of outdoor amenity space in accordance with policy ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007.

#### Directives:

1. Ownership (02OW)
2. Highway works (06FC2)
3. Planning obligation (08PO)
4. Street Naming and Numbering (19SN)

#### Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan

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Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies together with the positive way in which the proposed development will address five year housing land supply issues is that permission should be granted.

- b) That, should the legal Agreement referred to in recommendation a) above not be completed and a planning decision issued prior to 6 April 2015, authority be delegated to the Head of Planning and Building Control, in consultation with the Chairman of this committee, to alter and amend the details of the service areas to which funding available as a result of this development is to be assigned, to ensure that any resulting legal Agreement is compatible with the appropriate CIL Regulations applicable from that date.

\_\_\_\_\_ (202314OP.MP)

## **1.0 Background**

- 1.1 The application site is shown on the attached OS extract. Members will recall that the application was reported to the Development Management Committee on 04 February 2015. Members deferred the application to allow further consideration of the potential impact of noise and disturbance from the nearby commercial site (known as Hunsdon skips, which is around 120metres to the south of the application site) on the amenity of the future occupiers of the proposed dwellings.
- 1.2 The applicant has sought to provide further information through a noise survey which is discussed below, together with the comments from statutory consultees.
- 1.3 There is no planning history relating to the site and previous consultation responses and policy context is set out in **Essential Reference Paper 'A' (ERPA)** which is appended to this report. Furthermore, all other planning considerations relating to the development proposal are also set out in **ERPA**.

## **2.0 Considerations**

- 2.1 Concerns were raised by third parties and the Parish Council during the original consultation period with regard to the impact on future residents of the proposed development by the noise and disturbance from the commercial operation, Hunsdon Skips. The Hunsdon Skips site has a lawful use as a waste transfer station as determined by Hertfordshire

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County Council under a Certificate of Lawfulness (Planning Reference number 3/0339-96). A Certificate of Lawfulness has also been issued for the import, storage, cutting, sale and distribution of wood as issued by the LPA under LPA reference 3/08/1701/CL. The site is a licensed waste transfer site which is regulated by the Environment Agency.

- 2.2 To address the concerns raised by Members a noise survey and assessment has been undertaken and submitted by the applicant. The aim of the Noise Assessment was to assess sound levels at and inside the proposed new dwellings, in accordance with the relevant British Standards. The noise assessment methodology was discussed with the Environmental Health Team and Environment Agency prior to the survey taking place. The methodology incorporated monitoring of noise for half a day to measure typical ambient, residual and background noise levels at the application site. It also determined the specific noise level of Hunsdon Skips at the application site, during a representative time period and the likelihood of adverse impacts on the residents of the proposed development as a result of this. The survey was undertaken by two noise consultants, with one 'observer' at Hunsdon skips and the other measuring noise levels at the application site itself. All machinery was 'run' during the monitoring and all machinery was switched off for a period of time to allow background noise levels (i.e. noise levels without the machinery associated with Hunsdon Skips operating) to be recorded.
- 2.3 The noise survey revealed that background noise levels are dictated by distant road traffic noise. The residual background noise levels at the site (i.e. with Hunsdon Skips not operating machinery) were around 47dB. Areas at the south western edge of the site are subject to the highest noise levels from Hunsdon skips, relative to the ambient road noise, with an average ambient noise level (LAeq) of around 52dB. The noise survey sets out that this is an 'over-estimation' in that it assumes that Hunsdon Skips operates throughout a 16 hour period (which is not the case, particularly as the site is controlled by a permit regulated by the Environment Agency). Furthermore, at the time of the survey there was a southerly breeze blowing from Hunsdon Skips and the noise assessment therefore represents a robust and 'worst-case' scenario.
- 2.4 With regard to internal noise within the proposed dwellings, the British Standard requires that internal noise levels should not exceed 35dBA (as an average) for living spaces or bedrooms. As the application is in outline form only there is limited information regarding the construction of the proposed dwellings. However, the noise survey assumes that the buildings will be constructed using standard masonry or light weight timber construction and internal noise levels would therefore be dictated

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by external noise ingress through glazing and venting. The noise assessment determines that acceptable noise levels are 'readily achievable' inside the proposed dwellings by simply providing standard thermal glazing and trickle vents and that the proposed development is acceptable with regards to the noise levels that will exist inside the dwelling having regard to the above mentioned British Standard.

- 2.5 With regard to external areas (i.e. garden amenity space) the British Standard advises that levels do not exceed 50dB (as an average) with an upper guideline value of 55dB. The background noise levels (i.e. that without Hunsdon Skips operating machinery) was assessed at around 47dBA. The Noise Survey attaches a rating of 9dB for a specific noise event from Hunsdon Skips over the background level which gives an overall rating of 56dB. This is over the upper guideline value of 55dBA in the British Standard. However, that noise level will likely decrease further with the provision of a close boarded boundary fence which will typically provide around 7-10dBA of acoustic screening to the gardens on the southern boundary of the application site. Such a fence could be secured by a planning condition.
- 2.6 The Environment Agency and Environmental Health Team have been consulted on this additional noise information.
- 2.7 The Environment Agency have commented that noise is not within their remit in terms of consultation on planning applications and the Environmental Health Team will lead on noise issues as it is a human health matter. The Environment Agency confirm that they will work with the operator to ensure that they are reducing noise levels as required by the permit.
- 2.8 Environmental Health comment that the Noise Survey correctly follows the relevant British Standard methodology. The Environmental Health Officer notes that the survey was carried out during typical 'noisy activities' associated with Hunsdon Skips, including operation of the shredder, skips delivery and grabber use. The survey has taken into account the annoyance of impulse noises such as 'bang noises' and indicates that an adverse impact may be expected but would not represent a significant adverse impact, particularly as a condition could be attached to any permission requiring an acoustic fence which would have the effect of reducing the background and site specific noise.

### **3.0 Conclusion**

- 3.1 Having regard to the Noise Survey and Assessment and the comments from the Environmental Health Team, Officers consider that an

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appropriate level of amenity will be provided for future residents of the development proposal in accordance with policy ENV25 of the Local Plan.

- 3.2 Having regard to that and the considerations and conclusions set out in **ERPA**, Officers therefore recommend that planning permission be granted subject to conditions and the signing of a Section 106 agreement.