

**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:**

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

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submitted to and approved in writing by the Local Planning Authority 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

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and construction works.

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.

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 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.

## **1.0 Background**

- 1.1 The application site is shown on the attached OS extract and forms an open agricultural field. There are open fields to the south and west of the application site. There is a hedge to the eastern boundary with the main road, B180, which runs through the village. The residential estate of Tanners Way is located to the North.
- 1.2 The proposed development is in outline form only with all matters reserved and incorporates the provision of 13 residential dwellings including 25% affordable homes. The applicant also indicates that 3 of the dwellings will be bungalows.
- 1.3 An indicative layout plan has been submitted which shows a vehicular access to the south of the site off the B180 and an additional pedestrian access to the north of the site. The indicative plan shows the provision of five dwellings fronting the road and all other dwellings are inward facing into the site, fronting onto the central access road. A sizeable drainage pond is shown towards the south west of the site.

## **2.0 Site History**

- 2.1 There is no relevant planning history relating to the site.

## **3.0 Consultation Responses**

- 3.1 The Highway Authority does not wish to restrict the grant of permission subject to a Sustainable Transport Contribution and a number of conditions.

The Highways Officer comments that the B180 is a secondary distributor road with a 30mph speed limit and fronting the site is a narrow public footway.

The indicative layout shows an access which, in principle, appears to comply with highway standards. However, within the submission of any reserved matters application, consideration should be given to improving the highway fronting the site.

There is no highway objection to the principle of additional houses in this location.

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- 3.2 Herts County Council Planning Obligations team request financial contributions towards secondary education, youth and library services and fire hydrants as set out in the HCC Planning Obligation Toolkit.
- 3.3 The Environment Agency refer the Council to their standing advice. The main flood risk issue is the management of surface water run-off and the Council should ensure sustainable surface water management.
- 3.4 Thames Water advise that, with regard to sewerage infrastructure capacity, they have no objection to the application.

With regards to surface water drainage, they comment that it is the responsibility of the developer to make proper provision for drainage. In respect of surface water it is recommended that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Connections are not permitted for the removal of groundwater, and where a developer proposes to discharge into a public sewer, prior approval from Thames Water will be required. Water supply in the area is covered by Affinity Water.

- 3.5 Hertfordshire Constabulary do not object to the application but comment on the two footpaths leading into the development. The two paths have the potential to give unauthorised access to the rear of several properties and one of the footways should be removed or gated to reduce accessibility to non-residents.
- 3.6 Environmental Health recommend planning permission be granted subject to conditions on construction hours of working, soil decontamination, and piling works.

The Environmental Health Officer refers to complaints received from nearby residents to the Fillets Farm site in terms of noise and disturbance from the commercial operation of Hunsdon skips which is operating from that site. The Environmental Health Officer comments that there is potential for noise and dust nuisance from that site to the proposed development but that given the distance between the application site and that site, that a noise assessment is not necessary.

- 3.7 The Council Engineers comment that the site is situated within flood zone 1 and away from flood zone 2 and 3. There are no historical flood incidents.

The site is suitable for above ground SuDS which has been identified by the applicant.

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- 3.8 Herts and Middlesex Wildlife Trust comment that indigenous species should be included in the landscape plan and bat/bird boxes should be included to the properties.
- 3.9 The Landscape Officer recommends that planning permission be granted.

The Officer comments that the site currently has a predominantly rural (rather than urban) landscape character. The northern site boundary abuts Hunsdon village boundary at Tanners Way - which is characterised by single storey bungalows set back from the road by a wide grass verge containing trees. On the eastern site boundary alongside the B180, there is a well-established and unbroken contiguous hedgerow - a prominent landscape feature which, if retained, will assist in screening any potential development, depending on the ridge heights and set back from the road. The southern and western aspects of the site comprise open farmland beyond.

The site is considered by the Landscape Officer to be of low to moderate sensitivity to, (and moderate to high capacity for) accommodating an appropriate layout and form for housing development.

The Landscape Officer makes some suggestions to alter the layout of the development site, as shown on in the indicative layout plans.

#### **4.0 Parish Council Representations**

- 4.1 Hunsdon Parish Council object to the planning application for the following reasons:
- The site is outside the boundaries of the village and in the countryside;
  - The development is not in a sustainable location. Public transport is poor with an infrequent and unreliable bus service. Limited services on Saturdays with no bus to Harlow and no buses in the evenings on any night of the week and none on a Sunday;
  - Distances to main settlements in terms of walking and cycling are significant and constrained by the rural location of the site;
  - The primary school is large and over-subscribed – existing residents have to travel outside of the village to find spaces;
  - No doctors surgery in the village;
  - There are two pub/restaurants in the village;
  - The playing field in the village is significantly reduced by the grant

of permission for a new chapel;

- The development will increase reliance on cars which will result in a negative impact in terms of emissions;
- Road access to the village is along rural country lanes and increased traffic associated with the development will exacerbate existing highway safety issues;
- The development will result in an increased flood risk;
- The development is in close proximity to Hunsdon Skip Yard and will result in harm to future residents in terms of noise and disturbance;
- Insufficient parking has been provided which will lead to parking pressures in the village and adjacent housing areas.

## **5.0 Other Representations**

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 9 letters of representation have been received raising the following concerns:

- Overdevelopment of the site and surroundings;
- Additional traffic movements and impact on the village, pedestrians;
- Increase noise and air pollution;
- Overlooking to neighbouring properties;
- Loss of agricultural land;
- Impact on future residents from Hunsdon Skips;
- Dangerous ingress/egress;
- Insufficient infrastructure in the village to cope with the development;
- The development is not sustainable in terms of the social and environmental dimension;
- Development will set a harmful precedent.

## **6.0 Policy**

6.1 The relevant saved Local Plan policies in this application include the following:

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria

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HSG6	Lifetime Homes
GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
GBC14	Landscape Character
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR4	Travel Plans
TR7	Car Parking – Standards
TR12	Cycle Routes – New Developments
TR14	Cycling – Facilities Provision (Residential)
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
ENV25	Noise Sensitive Development
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
LRC1	Sport and Recreation Facilities
LRC3	Recreational Requirements in New Residential Developments
LRC9	Public Rights of Way
IMP1	Planning Conditions and Obligations

6.2 In addition to the above the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are also a consideration in determining this application. Members will be aware that, due to the draft nature of the District Plan, limited weight can currently be applied to its policies.

## **7.0 Considerations**

7.1 The main issues to consider in respect of the proposed residential development having regard to relevant policies of the East Herts Local Plan Second Review April 2007 and the NPPF, will be:-

- The principle of residential development (policy GBC2/GBC3);
- Whether the proposal represents a sustainable form of development having regard to the environmental, economic and



environmental dimensions of sustainability (NPPF);

- Whether any harm to the assessment process of the East Hertfordshire District Plan, the character and appearance of the local countryside and landscape, public services within Hunsdon and any other harm attributable to the development, outweighs the presumption in paragraph 14 of the NPPF to favourably consider applications for sustainable development in areas where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable housing sites.

### The principle of development

- 7.2 The site is located within the Rural Area beyond the Green Belt and is not within the boundary of the category one village as set out in the East Herts Local Plan Second Review April 2007. The provision of residential development therefore represents a departure from the aforementioned Local Plan.
- 7.3 One of the determining issues in this proposal is whether there are any overriding material considerations to outweigh this in principle policy objection.
- 7.4 The NPPF requires that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. Whilst the policies in the 2007 Local Plan are considered largely consistent with the NPPF, there is a recognised deficiency in that the Local Plan does not identify adequate land to enable a five year supply of land for housing development. This position is confirmed in the Annual Monitoring Report, December 2014 where, having regard to previous undersupply of housing in the past, it is confirmed that the Council are unable to demonstrate a five year housing supply.
- 7.5 This is a position which Members will be familiar with having regard to the various appeals, and ongoing appeals in relation to the sites in Buntingford. As Members will be aware, appeals were allowed early last year for around 260 dwellings on land designated as Rural Area in Buntingford. The Council's housing policies, as set out in the saved Local Plan, are now deemed to be out of date, and this was confirmed by the Inspector at the Buntingford appeal.
- 7.6 The NPPF sets out a presumption in favour of sustainable development 'which should be seen as a golden thread running through plan-making and decision-taking'. The issue of sustainability is discussed in more detail below, but for decision-taking this means that "where the development plan is absent, silent, or relevant policies are out of date",

planning permission should be granted for sustainable development unless any adverse impacts of doing so “would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or specific policies in this Framework indicate development should be restricted.”

7.7 The ability to afford weight to the emerging District Plan is also addressed in the NPPF at paragraph 216, which states that:

“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

7.8 Draft policy VILL1 of the District Plan sets out that Parish Councils are encouraged to prepare Neighbourhood Plans to allocate land for development or to introduce additional policy requirements aimed at ensuring that development contributes toward local distinctiveness or other community objectives.

7.9 The draft policies map which accompanies the District Plan does not include the proposed site within the village boundary and as such the proposed development is in conflict with the above draft policy as well as being contrary to policies of the existing adopted Local Plan.

7.10 Policy VILL1 of the draft District Plan is predicated on the need for decisions over development within villages being determined at a local level through Neighbourhood Plans and Officers acknowledge that it is disappointing that the development site has not come forward through that process, as was suggested to the applicant at pre-application stage. However, the District Plan is, as set out above, at an early stage of preparation and holds very limited weight in the determination of this planning application.

7.11 Whilst a draft version of the Council’s District Plan has now been published and subject to consultation, is not at an advanced stage of

preparation. The feedback to that consultation has not been considered formally, but the level of housing development overall and the allocation of land for development in the plan have been the subject of considerable response. Limited weight can therefore be attached to the District Plan.

- 7.12 With regards to matters of prematurity, guidance in respect of this matter is set out in the National Planning Practice Guidance. This states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. It goes on to state that, such circumstances are likely, but not exclusively, to be limited to situations where both:
- a) The development proposed is so substantial or its cumulative effects would be so significant that to grant permission would undermine the plan-making process and;
  - b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 7.13 Officers have considered this advice carefully. The emerging plan against which this advice must be considered is the draft District Plan. The scale of development being brought forward in this application is modest and will not be prejudicial in relation to the scale, extent and location of development overall in the District Plan. In that respect it is considered that the proposals are not so significant that they could be considered premature.
- 7.14 That said, the provision of 13 dwellings will have positive impact in addressing five year land supply issues in the short term. This weighs in favour of the development provided that the location is sustainable and the housing can be delivered in the short term to address the current shortfall in housing supply. Sustainability is discussed later in this report, but deliverability is also a material consideration. This was a matter which was raised by the Planning Inspector in relation to the Buntingford appeals. The Government has also indicated that Councils should consider the deliverability of development.
- 7.15 Unlike the Buntingford appeals, this application is not submitted on behalf of a housebuilder but by the landowner. The grant of outline planning permission will likely invoke a period of marketing of the land by the applicant. However, the grant of outline planning permission on this site, where there are limited requirements for on-site infrastructure

improvements or remediation, will likely appear as an attractive development opportunity for a number of small/medium sized house building companies. The fact that the application is not submitted on behalf of a house builder should not be taken to indicate that the site cannot make a contribution to housing supply in the next five years. The 'standard' time limitation conditions which were adjusted as part of the Buntingford appeals could be similarly adjusted in this application to encourage early development and the potential for contribution to the economic dimension of sustainability.

7.16 In summary then, the development proposal represents a departure from the Rural Area policies of the adopted Local Plan and the draft District Plan is not at such a stage where any significant weight can be attached to the relevant village policies. However, the Council does not have a five year supply of housing and, in these circumstances, the NPPF makes a presumption in favour of granting planning permission unless the adverse impacts of doing so would be significantly and demonstrably outweighed by the benefits. Furthermore, Officers are of the view that the development proposal would not be prejudicial to the District Plan process and is not therefore premature. Officers therefore consider that the proposed development is acceptable in principle, provided that the Council is satisfied that the scheme would result in a sustainable form of development.

7.17 Sustainability is the golden thread running through planning, as set out in the NPPF, and this should form the main consideration in weighing the benefits and impact of the development, as is discussed below:-

#### Sustainability

7.18 Officers are of the view that the main planning considerations with regards to an assessment of whether the proposal meets the sustainable development tests are as follows:-

1. Whether there are appropriate facilities in the village to accommodate the development and appropriate access to them;
2. Whether there is appropriate employment provision for an increase in the size of the village and any resultant impact on commuting;
3. Whether there is an appropriate access to serve the quantum of development;
4. Whether an appropriate level of affordable housing would be provided to address local needs;
5. Whether the amount of development is appropriate to the site and setting and will the development integrate well with the village and setting;

6. Surface water drainage issues;
7. The impact on the quality of the agricultural land.

**Infrastructure and village facilities**

- 7.19 The main considerations relate to whether there is appropriate school provision and how the existing retail provision will serve the development. It is also important to consider whether there is appropriate levels of access to sustainable modes of transport.
- 7.20 With regards to school provision Officers note the concerns raised by the Parish Council and third parties in respect of the size and capacity of the existing primary school in the village. Hertfordshire County Council as education provider raise no objection in respect of the impact on the primary school nor do they recommend a financial contributions towards primary education. Having regard to that consultation response and, taking into account the scale of the development, Officers therefore consider that the proposed development will not result in significant harm to primary education provision.
- 7.21 Retail provision within the village is very limited. There is a pub and pub/restaurant, village shop and garage. The level of amenities in the village means that the vast majority of shopping, other than for basic items, are likely to be obtained from the larger settlements beyond the village boundary. The lack of amenities in the village in terms of retail offer weighs against the development proposal.
- 7.22 The recreational playing fields are within 100metres of the application site and there is therefore reasonable provision within the village for recreational facilities, given the size of the village. There are also opportunities to secure financial contributions in relation to outdoor sports provision and the community centre which are set out below.
- 7.23 Officers have had regard to the lack of amenities (particularly shopping) within the village and the likely need for future residents to travel to larger settlements for anything other than basic products. In addition, Hunsdon is not in a particularly sustainable location in terms of the levels of facilities for sustainable transport. There is a bus stop within the village which accesses the main settlements of Bishop's Stortford and Harlow. However, as recognised by the Parish Council, the bus service is not particularly regular and there is no train line in the village and access for shopping would likely be by private car which would weigh marginally against the proposal, having regard to the scale of the development.

Employment

- 7.24 There are acknowledged to be limited opportunities for employment within the village and, with a population of around 929 (according to the Draft District Plan figures which are based upon 2001 Census data), it is considered that the majority of residents who do work will need to travel outside of the village for employment. However, there are some limited opportunities for employment at the local school, pub, shop and Little Samuels Farm, which is a collection of former agricultural buildings which now have a range of light industrial/storage uses and may provide some limited opportunities for employment.
- 7.25 The deficiencies in public transport identified above mean that the majority of workers will likely use a private car. The need for future residents of the site to use private car to travel to work therefore weighs marginally against the proposal, having regard to the scale of the development.
- 7.26 There will of course be employment generation in association with the development processes to construct the houses and, whilst for a limited period, is a matter which weighs in favour of the development and which is encouraged within the NPPF to stimulate growth.

Affordable housing

- 7.27 The approach to considering affordable housing is set out in policy HSG3 of the Local Plan. That policy sets out that development within category one villages should provide up to 25% affordable housing. However, as acknowledged above, the application site is not within the boundaries of the category one village and there is therefore no policy provision within the Development Plan for the provision of affordable housing as part of a general housing development (although this differs if the proposal is for an entirely affordable housing scheme in accordance with policy HSG5).
- 7.28 However, the NPPF is a material consideration and it includes a social dimension as part of sustainable development. Section 6 of the NPPF deals with housing and para 50 sets out that LPA's should ensure a wide choice of homes and plan for a mix of housing which is based on current and future trends and the needs of different groups in the community. In this respect, it is considered to be appropriate to adopt the level of affordable housing as prescribed in policy HSG3 of the Local Plan for a development such as this. The Councils policy in respect of the tenure mix for any affordable housing is 75% social rent and 25% shared ownership.

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- 7.29 The provision of 25% affordable housing in the application is considered to be acceptable and would represent a sustainable form of development, in social terms.

#### Agricultural land

- 7.30 The NPPF sets out that Local Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, Local Authorities should seek to use areas of lower quality.
- 7.31 Given the housing needs across the District it is inevitable that development on agricultural land will be required. This said, the agricultural land appears to be good to moderate and not therefore the higher quality agricultural land in the District. Furthermore, the parcel of land is not significant in size and development of this site will not harmfully impact on the agricultural efficiency or farm viability. Officers therefore raise no objection to the development of this agricultural land.

#### Character and appearance of the local countryside

- 7.32 The planning application is in outline form only and there is therefore limited information regarding the layout and design of the proposed dwellings. The indicative layout plan, as submitted with the application shows one potential layout of the site. There are some detailed issues with this layout as recognised by the Landscape Officer but, given that layout is a reserved matter, such concerns should not form the basis of any detailed consideration, at this stage. The main consideration is whether development of this site, will result in harm to the countryside setting.
- 7.33 The site lies within Landscape Character Area 83 which describes the site as large-scale open arable farmland on flat upland plateau. Hunsdon has a homogeneous character due to the extensive use of white weatherboarded or render and uniform black painted bargeboards for groups of housing of different styles.
- 7.34 The Landscape Officer identifies the site's rural and agricultural character and its juxtaposition with the village but recommends approval of the application commenting that the site has a moderate to high capacity for accommodating housing development.
- 7.35 The proposed development will extend the southern boundary of the village which will result in some harm to the countryside location and

surroundings. However, there is a strong boundary to the front of the site which can be retained and help soften the visual impact from the road. Having regard to that consideration and, taking into account the limited size of the site and, having regard to the comments from the Landscape Officer, it is considered that the provision of dwellings will not lead to significant or demonstrable harm to the rural countryside setting.

#### Drainage and flood risk

- 7.36 Officers note the concerns raised by the Parish Council in respect of flood risk. However, as identified by the Councils Engineers there is potential for SuDS (Sustainable Drainage Systems) which will help reduce the speed of surface water entering the watercourse and which will have added benefits to biodiversity and the quality of water entering into the system. The site is not in a high flood risk area and it is considered that, subject to the provision of appropriate provision of SuDS that there will be no significant impact in terms of flood risk.

#### Highways

- 7.37 Officers have considered the concerns raised by the Parish Council and third parties which raise concern in respect of the impact on the local rural roads and village associated with the increase in traffic generation with the development. Whilst the application is in outline only and highways access is a reserved matter, the Highway Officer has indicated that the proposed access onto the B180 as shown in the indicative layout is, in principle acceptable, subject to detailed consideration relating to the relocation of the existing gateway feature on the B180 and an increase in the width of the footway.
- 7.38 Having regards to the comments from the Highways Officer the proposed development is considered to provide an appropriate level of visibility onto the B180 and is of a scale such that there will be no significant harm to highways safety or access in the vicinity of the site, the village or the B180.

#### Financial contributions

- 7.39 With regards to financial contributions, as the application is for in the provision of 13 residential units, the need for financial contributions is required under the Council's Planning Obligations SPD and the Herts County Council (HCC) Planning Obligations Toolkit. Policy IMP1 of the Local Plan sets out that developers will be required to make appropriate provision for open space and recreation facilities, education,



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sustainable transport modes and other infrastructure improvements.

- 7.40 HCC have confirmed that they will require contributions towards secondary education, youth and library services based upon table 2 of the Hertfordshire County Council Planning Obligation toolkit. A sustainable transport contribution has also been requested by the Highway Authority which is necessary to mitigate the impact of the development on the transport network, in accordance with the Council's adopted Planning Obligations SPD.
- 7.41 As the application is in outline form the Council are unable to determine the precise level of contributions but will refer to the relevant part of the Planning Obligations Toolkit. Having regard to the comments from the County Council, the contributions requested are considered necessary and reasonable based on pressures that the development will place on existing infrastructure. The obligations are therefore considered to meet the tests set out in Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 7.42 The East Herts Council SPD also requires contributions towards open space provision. The Council's PPG17 audit identifies that there are deficiencies in Parks and Gardens, Children and Young People and Outdoor Sports provision.
- 7.43 As noted above there are recreational playing fields within proximity to the site and it is therefore appropriate for contributions to be secured to offset the impact on those existing facilities. The playing fields are within the control of the Parish Council who seek contributions to improve the play space for children and improve the tennis courts within the vicinity of the application site.
- 7.44 Having regard to the information available including the comments from the Parish Council together with the Planning Obligations SPD and Open Space SPD, Officers are of the opinion that the contributions for outdoor sport and the village hall are necessary and reasonable to offset the impact of the development on existing infrastructure in accordance with S122 of The Community Infrastructure Levy Regulations (CIL) 2010.

### Ecology

- 7.45 The site is not located within, or adjacent to, any Wildlife Site and currently comprises of arable land. Ecological Appraisal reports have been submitted which identifies two habitats within the boundary of the site – the hedgerow and ruderal vegetative strip between the field and

the highway verge. However, neither of these habitats was found to contain protected species and no objections to the development on ecological grounds from Herts Ecology or Herts and Middlesex Wildlife Trust have been received.

**Neighbour amenity impact**

- 7.46 The main considerations in terms of neighbour amenity impact relate to those dwellings to the north and east of the boundary of the application site.
- 7.47 The indicative layout plan shows that properties will front onto the B180 and will face those residential properties to the east. However, there is likely to be a distance of at least 25metres to those properties with the B180 located between the proposed development and those existing neighbours. As such, given the orientation and distance between the development site and those neighbours to the east, there will be no significant impact on the amenity of those neighbours such that would warrant the refusal of planning permission.
- 7.48 Neighbouring properties to the north of the application site form a closer relationship with the application site. 2-12 Tanners Way have a south facing frontage which looks onto the application site. Their outlook is currently onto agricultural fields which will clearly be impacted by the siting of the development. However, the indicative layout plan shows that the proposed dwellings would be located around 30 metres to the south with additional tree and landscape planting to the northern boundary which will ensure that there is no significant or harmful impact on the amenity of those neighbouring properties, such that would warrant the refusal of the application.
- 7.49 The indicative layout plan shows that a detached dwelling will have an awkward relationship with 1 Tanners Way which has the potential to result in overlooking to that neighbour. However, as noted above, the application is in outline form only with all matters reserved, including layout. Officers are therefore of the opinion that, given the scale and amount of development, that an appropriate relationship with this neighbour can be designed into the scheme.
- 7.50 Concerns have been raised by third parties and the Parish Council in respect of the impact on future residents in terms of the noise and disturbance impact from Hunsdon Skips, which is a commercial operation located around 120metres to the south of the application site. Concern is raised that the proposed development would be in conflict with policy ENV25 which sets out that noise sensitive development,

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which includes dwellings, should not be exposed to noise nuisance from existing noise generating sources.

7.51 Despite the comments from neighbouring properties that Hunsdon Skips represents a statutory noise nuisance, Environmental Health Officers advise that this is not the case. In addition, the Environmental Health team do not object to the planning application nor, given the distance between Hunsdon Skips and the application site (around 120metres) do they consider that a noise assessment is necessary.

7.52 Whilst Officers note the concerns raised in respect of the noise impact associated with an existing operation this is not considered to be a significant constraint to development nor is there considered to be conflict with policy ENV25 of the Local Plan.

## **8.0 Conclusion**

8.1 The proposal represents an inappropriate form of development which is contrary to the Council's Rural Area policies.

8.2 However, the NPPF sets out that, where Local Plans are out of date in terms of housing supply, there is a presumption in favour of sustainable development and development should be approved unless the impact of doing so would significantly and demonstrably outweigh the benefits of development.

8.3 Considering the sustainability of the development proposals, Officers acknowledge the concerns raised by the Parish Council. Public transport in the village is limited and the lack of employment and retail offer for anything other than basic items is poor. There is therefore likely to be reliance on private vehicles and the development in the village is therefore relatively unsustainable in transport terms.

8.4 However, Officers consider that, given the limited scale of the development proposed, these matters do not significantly and demonstrably outweigh the benefits of the development. Favourable weight should be attached to the way in which the development will support the economy and provide affordable housing in a village location with good access to existing (albeit limited) village amenities. In addition, Officers are of the view that development of this agricultural land is acceptable and, given the scale of development, will not result in significant or demonstrable harm to the countryside location or landscape setting. The impact of the development is acceptable in highways terms, flood risk and neighbour amenity and financial contributions will assist in offsetting the impact of the development on

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existing infrastructure.

- 8.5 In accordance with paragraph 14 of the NPPF a balancing exercise has to be undertaken to determine whether the adverse impacts associated with the development would significantly and demonstrably outweigh the benefits.
- 8.6 Officers have considered the impact of the development in terms of accessibility to sustainable modes of transport but consider that Hunsdon is, as identified in the Draft District Plan, a sustainable location for some development. The scale of the development site and number of proposed homes is not considered significant, having regard to the size of the village, and there will be no significant or demonstrable harm to the village or countryside setting. Officers therefore consider that, on the balance of considerations, the development can be considered as sustainable and the adverse impacts associated with the development would not be significant and demonstrably outweigh the benefits.
- 8.7 In accordance with the above considerations Officers therefore recommend that planning permission be granted subject to conditions and the signing of a Section 106 agreement.