

**3/15/0206/OP – Outline application for the demolition of 30 Wicklands Road and the erection of 14 dwellings with all matters reserved except for means of access and layout at Hunsdon Lodge Farm, Drury Lane, Hunsdon SG12 8NU for Chase Green Developments Limited**

**Date of Receipt:** 04.02.2015

**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% rented and 25% shared ownership (including four dwellings – 3 rented and one shared ownership);
- A financial contribution towards primary education based upon table 2 of the Hertfordshire County Council Planning Obligation toolkit towards the expansion of Hunsdon Primary school from PAN 15 up to a maximum of 20 PAN;
- A financial contribution towards Young People based upon table 2 of the Hertfordshire County Council Planning Obligation toolkit towards lighting and sports equipment for the new multi-use games area in Ware;
- A financial contribution towards the adult section of the Ware library based upon table 2 of the Hertfordshire County Council Planning Obligation toolkit;
- 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) based upon table 11 of the Planning Obligations SPD;
- A financial contribution towards and sports and recreation (refurbishment of the village tennis courts) based upon table 11 of the Planning Obligations SPD;

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- A financial contribution toward the provision of recycling collection facilities based upon table 11 of the Planning Obligations SPD;
- A financial contribution toward the provision of health care facilities, if required by NHS England
- Details of the steps to be taken to ensure the future management of the SuDS (Sustainable Drainage Systems), as shown in drawing IDL/732/100 Rev3, which, if the LPA requires shall include the requirement for the imposition of covenant arrangements on future owners of the individual units, to be submitted to and approved in writing by the Local Planning Authority and subsequently implemented
- A scheme for the relocation of and improvements to bus stops along High Road, Drury Lane and Acorn Street;
- Details of the arrangements for the management of land outside the residential curtilages of the dwellings, including roads and footways if not adopted and any SuDS measures which, if the LPA requires shall include the requirement for the imposition of covenant arrangements on future owners of the individual units, shall be submitted to and agreed in writing by the Local Planning Authority and subsequently implemented.
- Fire hydrants.

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

1. Details of the appearance, landscaping and scale (hereinafter called the 'reserved matters') of the development shall be 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.

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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. Programme of archaeological work (2E02)
6. Contaminated land survey and remediation (2E33)
7. 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;
  - Methods for accessing the site;
  - 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.

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

8. Construction hours of working (6N07)
9. The development shall be carried out in accordance with the great crested newt mitigation measures as set out in the Ecological Appraisal

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by CSa Environmental Planning dated November 2014.

Reason: In the interests of protected species and their habitats in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007 and section 11 of the National Planning Policy Framework.

10. Prior to the removal or significant pruning of any trees within the site a tree climbing inspection and/or dusk emergence survey of those trees for bats shall be submitted to and approved in writing by the Local Planning Authority and if bats are found then no works to the trees should take place until mitigation measures have been submitted, approved and implemented.

Reason: In the interests of protected species and their habitats in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007 and section 11 of the National Planning Policy Framework.

11. Prior to the commencement of the development a plan of a scale of 1:200 or other appropriate scale, shall be submitted to and approved in writing by the Local Planning Authority showing the detailed design and construction of the access from the application site onto Drury Lane and Wicklands Road. The submitted plans shall show the visibility splays, gradient and any associated works to create the access. All works to the accesses shall thereafter be constructed in accordance with the approved details and completed prior to first occupation of the development. The visibility splays shall thereafter be permanently maintained within which there shall be no obstruction to visibility between 0.6metres and 2metres above the carriageway.

Reason: To ensure the provision of access which are appropriate for the development and in the interests of highway safety and convenience.

12. Prior to first occupation of the development, details of a replacement of or upgrade to the surface to the right of way (Hunsdon footpath 017 and 010) from the end of Drury Lane carriageway and around the north and east boundaries of the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved replacement or upgraded surface shall then be implemented in accordance with the approved details and prior to the first occupation of the site.

Reason: To ensure that the surface is suitable to safely accommodate the increase vehicle and pedestrian movements in the interests of

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highway safety and access.

13. Prior to the commencement of the development hereby approved, a drawing shall be submitted to and approved in writing by the Local Planning Authority which demonstrates that on-site vehicular turning space sufficient to accommodate service vehicles and a refuse vehicle of 11 metres in length can be provided within the site. Thereafter the development shall accord with the approved details.

Reason: To enable all vehicles to enter and exit the site in a forward gear.

14. The development shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy (by Infrastructure Design limited received 08 September 2015) and all SuDS (Sustainable Drainage Systems) as shown in drawing reference 732-07-100Rev4 shall be implemented prior to first occupation of the development and thereafter retained in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and to improve habitat and amenity in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and paragraph 103 of the National Planning Policy Framework.

15. Notwithstanding the provisions of Article 3 of the Town and Country (General Permitted Development) Order(England) 2015, no development as specified in Schedule 2, Part 2 Classes A, E and F shall be undertaken without the prior consent, in writing of the Local Planning Authority.

Reason: The specific circumstances of this site and the need to ensure sustainable drainage features as identified in drawing reference IDL/732/100 Revision 3 are retained, in accordance with policy ENV9 and ENV21 of the East Herts Local Plan Second Review April 2007.

16. Remediation works for existing ditches and culverts as set out in the approved Drainage Strategy (by Infrastructure Design limited received 08 September 2015) shall be carried out prior to any development on the site.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and to improve habitat and amenity in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and paragraph 103 of the National Planning Policy Framework.

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17. Prior to the commencement of any above ground building works a scheme setting out how the surroundings of the Scheduled Ancient Monument to the north of the site are to be treated, including the provision of footways and any interpretation material, 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 provide an enhanced setting for the heritage asset in the street scene in accordance with the Hunsdon Conservation Area Appraisal and in accordance with section 12 of the National Planning Policy Framework.

18. As part of the reserved matters submissions referred to above, prior to the commencement of development, details of pedestrian and cyclist access between the northern and southern part of the site 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 levels of connectivity and permeability between the development site and the northern part of the village and public rights of way in accordance with policy ENV1 and LRC9 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)
5. Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.

#### 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

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(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.

\_\_\_\_\_ (020615OP.MP)

#### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract. The site is located to the east of the village of Hunsdon and forms an irregular parcel of land. The northern part of the site comprises Hunsdon Lodge Farm which is reasonably large detached dwelling accessed off Drury Lane. The dwelling has a large garden which is surrounded by mature trees and landscape features. Drury Lane itself links to the main road which runs through the village. Drury Lane serves as a vehicular access to a number of dwellings of various sizes, forms and designs. At the end of Drury Lane are two public rights of way (footpaths 010 and 017) which link to the wider countryside to the east of the village. The northern most part of the application site, to the north of Hunsdon Lodge Farm forms part of the Hunsdon Conservation Area. A Scheduled Ancient Monument (a WWII pill box) is located in this area.
- 1.2 The southern part of the site comprises an open field which has a tree lined boundary to the east. To the west of this part are some allotments and the residential development of Wicklands Road, wherein number 30 is located (and which this application proposes to demolish). Wicklands Road comprises of a relatively modern residential development of semi-detached and detached dwellings which all front onto the street and which are set on good sized plots.
- 1.3 The proposed development is in outline form only with all matters reserved except for access and layout. The development proposes the erection of 14 dwellings and the refurbishment of Hunsdon Lodge Farm and the demolition of no 30 Wicklands Road.
- 1.4 Two accesses are proposed – a northern access off Drury Lane which will serve not only the existing dwelling, Hunsdon Lodge Farm (which is the existing situation) but also 3 of the detached dwellings. The southern part of the site will be accessed off Wicklands Road through the site of the demolished No.30 Wicklands Road – this access will

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serve the remaining 11 dwellings. Amended plans have been submitted during the process of the application which shows changes to the layout of the development and a reduction in the number of units from 15 as originally proposed to 14. Third parties have been consulted on those amended plans and amended/updated information in relation to drainage matters.

## **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 site can be considered in two separate parts – the development of three houses and retention of one dwelling accessed off Drury Lane and the provision of 11 dwellings accessed from Wicklands Road.

Development off Drury Lane: The existing access onto Drury Lane provides a good level of visibility in an easterly direction onto the public right of way but visibility in a westerly direction is more restricted by virtue of the vegetation to an adjacent boundary. Nevertheless, vehicle speeds are likely to be very low given the nature of the environment. The restricted visibility represents more of a convenience issue rather than a safety issue. The plans submitted show the vehicle access is to be retained albeit widened which will help to define the access more and make it more visible to drivers approaching from the west. This widened access can also be used as a passing place and is acceptable, particularly as this part of the development will only serve four dwellings. However, detailed access plans have not been submitted and it is therefore necessary and reasonable to require, through a planning condition more detailed plans.

The right of way surface to the north of the site is loosely bound in part and potholed. The increased use of this part of the highway associated with the development justifies a requirement for an upgrade to this part of the highway, which can be secured through a condition.

### **Development off Wicklands Road:**

The Highways Officer comments that they have undertaken a TRICS



assessment and set out that trip rate in this area for a single dwelling is 0.6 vehicles in the peak hour. The Highways Officers comments are based on the development originally submitted with the application (15 units). The proposals will create an additional 8 vehicle movements in the peak hour which can be roughly split as 2 increased movements along Drury Lane and 6 additional movements along Wicklands Road. The Highways Officer does not consider that such a low increase in traffic movements breach the 'severe' test in the NPPF.

In parking and layout terms the Highway Officer comments that the development is acceptable. Further details are recommended with regard to tracking details for refuse vehicles.

The Highways Officer comments that pedestrian and cycle access to both parts of the site is reasonable with good access to the settlements basic amenities. There are three bus stops within 400 metres of the site, all of which would benefit from some upgrading. The bus stop at the Drury Lane/High Street could be relocated to enable the provision of raised kerbing to the bus stop. The Highways Authority recommend a planning condition to this effect.

The Highways Officer comments that railway stations are located several miles away but that the access in terms of walking, cycling and bus travel is acceptable in sustainability terms.

- 3.2 Hertfordshire County Council Environmental Resource Planning Team comment that, following the submission of further information and an updated drainage strategy, the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.

Detailed surface water run-off calculations for 1:100 year (+30% Climate Change (CC)) have been provided within the surface water drainage assessment, which ensures that the site has the capacity to accommodate all rainfall events up to 1:100 year (+30% CC).

Private rain gardens and filter drains (features within each private garden proposed) have been added and the drainage strategy provides evidence of a clear management and treatment train for the SuDS (Sustainable Drainage System) system. All changes to the drainage strategy have been shown on a layout plan along with the corresponding detailed calculations of each SuDS scheme.

The plans for remediation works for existing ditches including any culverts have been confirmed. The drainage strategy layout

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demonstrates the location of proposed new culverts, existing culvert to be replaced and the clearance/regrading of the ditches to ensure that there will be no flooding either on site, or cause flooding downstream to third party land and property.

Planning permission is therefore recommended on the basis that the measures detailed in the Flood Risk Assessment and Drainage Strategy are implemented and secured by way of a planning condition.

- 3.3 The Ramblers Association note that footpath 10 Hunsdon crosses the site.
- 3.4 The Conservation and Design Team make no objection to the development proposal. They comment that the site is a distance from the historic centre of the settlement and is not rich in historic environment. Hunsdon Lodge Farm is not of special interest and neither is No.30 Wicklands Road. Nos. 24 and 26 Drury Lane are listed but their distance from the site means that any impact would be slight.
- 3.5 Herts Constabulary recommend that the development secure accreditation to Secure by Design to help reduce the risk of crime to the new development. They comment that it is not clear how access will be restricted between the northern and southern part of the site nor whether the parking area to the north of plot 11 will have passive surveillance.
- 3.6 Herts Fire and Rescue refer the Council to building regulations with regard to access and turning for fire rescue vehicles and the requirements for fire hydrants and water supply.
- 3.7 The Landscape Officer recommends the approval of planning permission. The Officer comments that, whilst some trees are proposed to be removed a number of trees along the eastern boundary of the site are to be retained and protected during the construction phase of the development which is good for both conservation interests and screening and enclosure. The retention of those trees will also help to screen the development in views from the west which will result in no significant adverse landscape impact.
- 3.8 The Councils Engineers comment that the site is located in flood zone 1 and not in the higher flood risk areas of flood zone 2 or 3. There are no historical records of flooding at the site. The proposed development will reduce the amount of permeable area which will result in increased flood risk.

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The submitted information indicates a range of sustainable drainage solutions which will assist in reducing flood risk. The information also submitted shows that the existing watercourse will be renovated and regarded which will assist in allowing some of the accumulated flows to be discharged downstream.

The Engineers consider that the inclusion of green infrastructure has improved the flood resilience of the site with consequent reductions to risk of flooding to residents.

- 3.9 Thames Water advise that, with regard to sewerage infrastructure capacity, they have no objection to the application.

With regard 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.

- 3.10 The County Council Historic Environment Team comment that the site is partly in Area of Archaeological Significance No. 191 which contains the late Saxon, medieval and later settlement of Hunsdon and also (at the northern end of the development site) a World War II pillbox which is a Scheduled Ancient Monument. Another pillbox lies just to the south of the development site, in the back garden of 26 Wicklands Road. These, together with several others sited around the perimeter of the airfield formed part of the defence system for the wartime RAF airfield at Hunsdon. The surviving examples form one of the most complete surviving airfield defence systems in the UK.

Although no below-ground archaeological remains are known from the site itself, prehistoric and medieval sites are known in the vicinity and the site is in a location favourable to settlement. In addition, the greater part of the site has not been subject to development, since it has remained in agricultural use. Any archaeological remains present may therefore be well preserved (an opinion also expressed in the archaeological desk-based assessment submitted as part of the planning application).

The site therefore has the potential to contain archaeological remains (heritage assets), and those of prehistoric date, in particular. It is possible that evidence of other Saxon, medieval and earlier post-

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medieval date may also be present – the name Wicklands is recorded from the 1500s and this form usually indicates that a farm (or occasionally a settlement) has been present in the immediate vicinity.

The Historic Environment Unit consider that the position of the proposed development means that it should be regarded as likely to have an impact on heritage assets of archaeological interest and that it is therefore necessary and reasonable to attach a planning condition requiring further archaeological work.

- 3.11 Herts County Council Planning Obligations team request a financial contribution of £43,246 towards the expansion of Hunsdon Primary school from PAN (primary admission number) 15 up to a maximum of 20 PAN; a financial contribution of £818 towards lighting and sports equipment for the new multi-use games area at the Young Peoples Centre in Ware and; a financial contribution of £2,835 towards the adult section at Ware library.
- 3.12 The Council's Housing Team consider that the development should provide for 40% affordable homes and should be split 75% rental and 25% shared ownership. There is a need for 1, 2 and 3 bed affordable units in this location.
- 3.13 Hertfordshire County Councils Minerals and Waste Team refer the Council to the waste planning policies in the National Planning Policy Framework and Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012. Regard should be had to the relevant waste policies and encourage re-use of unavoidable waste and the use of recycled materials where appropriate to the construction.
- 3.14 Environmental Health recommend planning permission be granted subject to conditions on construction hours of working, soil decontamination, and piling works. The Environmental Health Officer notes that the development, once implemented may give rise to increased traffic movements and there may be an impact on the amenity of neighbouring properties – a noise assessment could therefore be undertaken to assess this and consider mitigation measures to 28 and 32 Wicklands Road.
- 3.15 The Environment Agency comment that they are no longer the statutory consultee for surface water matters on sites over 1ha. Hertfordshire County Council as the Lead Local Flood Authority (LLFA) is responsible for surface water management for all major planning applications.

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- 3.16 Herts Ecology comment that appropriate surveys, evaluation and analysis has been provided. The proposal will affect suitable habitat for Great Crested Newts which are a European Protected Species. Mitigation is proposed for the newts to compensate for the loss of habitat and is adequate although a pond within the primary mitigation measure would have added biodiversity enhancements. As such, sufficient information has been submitted to allow the Council to apply and satisfy the three derogation tests in the Conservation of Habitats and Species Regulations 2010.

Herts Ecology note that there are a line of trees to the eastern boundary and that no removal of trees should take place until an inspection for roosting bats has taken place.

Herts Ecology recommend a planning condition requiring the provision of a landscape and ecological management plan to provide further biodiversity enhancements.

- 3.17 Herts and Middlesex and Wildlife Trust object to the application and comment that the Council must undertake the three derogation tests for determining the application. The Trust recommend the inclusion of planning conditions relating to the recommendations in the ecological report.
- 3.18 The Campaign to Protect Rural England objects to the application. The application is contrary to Local Plan Rural Area policies and a balancing exercise is required to be undertaken to assess whether the adverse impacts associated with the development would significantly and demonstrably outweigh the benefits.
- 3.19 The sustainability of Hunsdon is questionable notwithstanding its status as a category one village. The village school is under pressure; retail provision is limited and the majority of shopping visits and leisure/recreation will take place outside of the village. There will be an overreliance on private vehicles.
- 3.20 The modest contribution to five year housing land supply does not outweigh the sustainability issues and non-compliance with Council policy.
- 3.21 Affinity Water comment that the site is within groundwater Source Protection Zone of Roydon Pumping Station. Construction works should be undertaken in accordance with the relevant British Standard and Best Management Practice.

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3.22 The CCG (Clinical Commissioning Group) comment that the proposed development would create an estimated population increase of 36 new residents. Whilst this is a low number it will add pressure on healthcare infrastructure. The siting of the development is such that it is likely to impact on the primary health care needs met by services in Much Hadham and Bishop's Stortford. Based upon most recent cost impact forecasting the actual cost impact of the development is considered to be £46,254. The CCG request such a contribution to help offset the impact of the development on existing services.

## **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;
- Insufficient parking has been provided;
- Substantive concerns are raised in regards to the flood risk associated with the development. The applicant has not understood the complex surface water drainage issues which face the village and the various flooding which takes place in the village. Many of the watercourses, culverts and ditches which the applicant proposes to discharge into are insufficient, damaged or have been filled in. The proposed development will therefore increase flood risk;
- Insufficient information has been submitted in regard to sewerage

treatment;

- The access arrangements off Drury Lane and Wicklands Road are inadequate in terms of visibility, splays and conflict between other users of the highway. The proposal results in harm to highway safety;
- The development will increase parking and traffic congestion within Drury Lane and Wicklands Road which are already constrained in terms of access/on-street parking;

## **5.0 Other Representations**

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

5.2 80 letters of representation from 49 different households (a significant proportion of which comprised a standard letter) were initially received in objection to the application. A further 24 letters of representation (from 21 households) have been received further to the amended layout, access and drainage information received in June 2015. At the time of writing an additional 3 representations have been received with regard to an amended drainage strategy, received in September 2015. The concerns raised can be summarised as follows:

- Overdevelopment of the site and surroundings;
- Additional traffic movements and impact on the village, pedestrians;
- Harmful ingress and egress onto Drury Lane and Wicklands Road;
- Impact associated with additional vehicle movements on existing residents amenity and on-street parking;
- Harmful impact on existing drainage infrastructure and existing drainage infrastructure is inadequate;
- Increase noise and air pollution;
- Overlooking to neighbouring properties;
- Loss of agricultural land;
- 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
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



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Plan Second Review April 2007 and the NPPF, will be:

- The weight to be given to the need for 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 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.

#### Residential Development Need

- 7.2 Within the Local Plan 2007, the site (apart from the accesses) is wholly located within the Rural Area beyond the Green Belt and is not within the boundary of the category one village. The proposals therefore represent an inappropriate form of development and are a departure from the aforementioned Local Plan.
- 7.3 In the emerging draft District Plan, Hunsdon Lodge Farm is contained within the identified boundary of the village but the rest of the development site remains outside of that boundary. No significant representations have been received during the consultation process of the draft District Plan regarding the boundary location and, in any event, and little weight can be attached to the policies in the draft District Plan at this stage.
- 7.4 The issue which is key in relation to this proposal is whether there are any material considerations to which such weight can be given that they outweigh this in principle policy objection.
- 7.5 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 Councils Annual Monitoring Report where, having regard to previous undersupply of housing, it is confirmed that the Council is unable to

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demonstrate a five year housing supply.

- 7.6 The Council has resolved to grant outline planning permission for residential development at other sites which are contrary to Local Plan policies, including at land to the western side of Hunsdon at Tanners Way, primarily because of these circumstances.
- 7.7 Significant weight should be attached to this matter. In addition, whilst permissions have been granted elsewhere, to position in relation to the inadequacy of land supply remains the same.
- 7.8 To encourage delivery, should the Council be minded to grant planning permission, it is reasonable to adjust the normal time limits for submission of reserved matters applications. This was a position which was taken in the Tanners Way application and a position which was adopted by the Planning Inspector when dealing with the appeals for housing development in Buntingford and most recently in Standon (LPA reference 3/14/1627/OP).
- 7.9 In summary then in relation to the need, the development proposal represent a departure from the Rural Area policies of the adopted Local Plan. The draft District Plan is not at such a stage where any significant weight can be attached to the relevant village policies. These proposals are not, on their own, of such a scale that they would jeopardise the policies that would come forward, in due course, through that plan. The Council does not have a five year supply of housing. In these circumstances, the NPPF sets out a presumption in favour of granting planning permission, unless the adverse impacts of doing so would be significantly and demonstrably outweigh the benefits.
- 7.10 The consideration which enables that judgement to be made is set out below.

#### Sustainability

- 7.11 Officers are of the view that, like the Tanners Way site, the main planning considerations which determine whether the proposal meets the sustainable development test are as follows:
1. Whether there are appropriate facilities in the village to accommodate the development and acceptable 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 the access to serve the development is acceptable;
  4. Whether an appropriate level of affordable housing would be

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- 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, village facilities and employment

- 7.12 With regard to school provision, Officers note the concerns raised by the Parish Council and third parties regarding 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 of the development on the primary school. In its response to the draft District Plan, HCC indicated that there is scope to secure expansion in the size of the school. 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.
- 7.13 Funding is sought by HCC to increase primary education provision and it is considered that this would meet the appropriate CIL tests. No request has been made in relation to secondary schooling, nursery education and childcare and further feedback is being sought to confirm that the lack of any funding requests indicates that the capacity of these services is adequate.
- 7.14 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, is likely to result in travel to the larger settlements beyond the village.
- 7.15 The recreational playing field in the village is located some 300-400 metres from the application site (depending on whether the access from Drury Lane or Wicklands Road is used). Noting the concern of the Parish Council that the extent of this facility will reduce if a permission to develop part of the site is implemented, there does appear to remain reasonable provision of informal recreational facilities and childrens play space to serve the expanded village. Financial contributions in relation to recreational and outdoor sports provision and the village community centre can be secured to mitigate the impact of the development.
- 7.16 Land which is not shown as being developed would remain within the

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application site if the proposals are implemented. This would be set out as amenity space with public access. As a result, it is not considered reasonable or necessary to seek further funding to support provision of this nature elsewhere in the village.

- 7.17 There are acknowledged to be limited opportunities for employment within the village (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). 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.
- 7.18 There will of course be employment generation in association with the development processes to construct the houses, however, this is for a limited period.
- 7.19 There is public transport available in the village with services to the main settlements of Bishop's Stortford, Harlow, Ware and Hertford. However, as recognised by the Parish Council and third parties, the bus services are limited and there is no rail service in the village. The limitations in public transport mean that the majority of travel to employment and services will likely be by private car.
- 7.20 In sustainability terms then the development of new housing here does have some limitations. It is expected that primary schooling needs can be met in the village, along with some basic retail, leisure and employment potential. Beyond that, access to these needs will require travel outside the village, for which private transport will often be the only viable option.

#### Affordable housing

- 7.21 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, the application site is not within the boundaries of the category one village and there is therefore no policy provision within the Local 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).
- 7.22 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

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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 to secure 75% rented and 25% shared ownership units.

- 7.23 The proposals make provision for 25% affordable housing (and accommodate the tenure mix sought by the Council) and, in this respect, they would represent a sustainable form of development.

#### Drainage and flood risk

- 7.24 One of the key areas of concern raised by third parties and the Parish Council is with regard to surface water drainage associated with the proposed development and the increased risk of flooding. Representations highlight the inadequacies of the existing drainage infrastructure in dealing with surface water run-off and high rainfall events and the impact on surrounding streets and properties. Concern is raised that an increase in non-permeable surfaces will exacerbate the impact associated with flood risk and that the drainage strategy does not adequately deal with surface water nor does it clarify long term maintenance and retention of SuDS within private gardens spaces.
- 7.25 From a policy perspective, policy ENV18 of the Local Plan; the Council's SFRA and the NPPF are all relevant to the consideration of drainage matters at the site.
- 7.26 Policy ENV18 of the Local Plan deals with the water environment and sets out that development will be required to preserve and enhance the water environment. A number of ways in which this can be achieved are set out. These include possibly deculverting and naturalisation of river channels, river corridor landscaping and sustainable improvements in public access to water. Development in close proximity to watercourses will also normally be expected to retain or re-establish open river corridors.
- 7.27 The Councils SFRA (Strategic Flood Risk Assessment) is a desk-based study and provides sufficient detail to consider flood risk and provides information in respect of the decision making process of planning applications. The SFRA provides a number of recommendations for sustainable drainage policy including the provision of SuDS in new development where technically possible, in preference to positive connections to mains drainage; the use of the Environment Agency's

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SuDS hierarchy and; a reduction in surface water run off from new development so that greenfield discharge rates and 1 in 100 year attenuation is taken into account.

- 7.28 Paragraph 7 of the NPPF states that planning should help to improve biodiversity and paragraph 9 states that planning should provide net gains in biodiversity. Paragraph 165 states that decisions should be based on up-to date information about the natural environment and other characteristics of the area.
- 7.29 In considering flood risk and drainage matters at this site, it should be noted that the applicant has limited, if any, control in implementing wider improvements to the drainage system serving the village. This said, the NPPF does encourage Local Planning Authorities to work proactively with applicants to secure developments that improve the environmental condition of the area.
- 7.30 The applicant has sought to work proactively with the County Council, the Lead Local Flood Authority for development of this nature. An amended drainage plan has been submitted which has been the subject of further consultation with the local community and other consultees.
- 7.31 The applicant sets out that investigations have found that the existing land drainage system, most of which lies outside of the site, is in a poor state of maintenance, blocked and in need of remedial measures to bring it into a fully functioning state. The site is presently allowed to drain into this deficient system which, as identified by third party representations and the Parish Council, has led to flood impact during high rainfall events.
- 7.32 To resolve this, the applicant proposes to undertake any and all necessary remedial works to the land drainage system lying within or adjacent to the site. This, the applicant submits, will offer a betterment not just for the site but also neighbouring properties who rely upon it.
- 7.33 The applicant comments that they have designed the drainage system so as not to generate flooding in any storm event up to and including a 1 in 100 year event including allowance for the potential effects of climate change.
- 7.34 The plans submitted with the amended drainage strategy show the provision of permeable block paving serving the access road and the applicant sets out that permeable paving will also serve the parking areas. Each property will have a water butt and any overflow surface

water will lead to a 'rain garden' (a localised sustainable drainage facility) which serves each property. This feature will slow and store water before it drains into the filter drains which connect to the existing ditches. In addition, a shallow water basin is proposed to the north of the site which will serve to slow and store surface water entering into the water system to the north of the site.

- 7.35 Hertfordshire County Council comment that, on the basis of these proposals, the development can be adequately drained and mitigate any potential existing surface water flood risk. The County Council identify a number of SuDS within the strategy and refer to the remediation works to existing ditches and culverts which will ensure that there will be no flooding either on site or downstream to third party property or land. The Councils Engineers comment that additional rain gardens with the filter strips, permeable paving and attenuation basin will further improve the flood risk reduction and SuDS characteristics of the site and create additional areas of landscape /wildlife benefit as well as water quality improvements.
- 7.36 The applicant has demonstrated therefore drainage strategy that, in technical terms, will accommodate rainfall events including a 1 in 100 year flood event including allowance for climate change. The strategy incorporates a range of SuDS which will slow and store the movement of surface water before it enters the existing drainage system, which is proposed to be renovated. The SuDS proposed will also have added environmental and biodiversity enhancements.
- 7.37 In relation to the ability to undertake the improvements proposed, these are likely to be achieved through access from the adjacent allotment land. It is reasonable to assume therefore that the proposals can be secured. How the SuDS features to be implemented will be retained and maintained in the future is less clear. There is a risk that individual occupiers will either neglect their drainage feature, or simply be unaware of the maintenance implications of them. Changes they may make to their properties in the future may also see the removal or reduction in effectiveness of these features. This may become an issue in flood risk terms if all or some of the SuDS features are not maintained, or are removed or modified. The applicant anticipates that maintenance will be the responsibility of individual owners. This can be reinforced by the application of covenants to land disposals by the applicant.

**Character and appearance, layout and amount of development**

- 7.38 The main consideration is whether the proposed development is of an

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appropriate layout and density such that it assimilates with the character and grain of development in the village and the impact in the wider views of the site.

- 7.39 The development incorporates the demolition of 30 Wicklands Road – this property is not a significant building in terms of its architectural character or form and no objections are therefore raised with its demolition. It is acknowledged that the demolition of this dwelling would have an impact on the pattern and grain of development in Wicklands Road, resulting in a gap, but this is not considered to be unduly harmful as the new development would act to close that gap.
- 7.40 There are public rights of way to the east of the site and therefore the eastern boundary of the site will be visible from those vantage points. 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 weather boarded or render and uniform black painted bargeboards for groups of housing of different styles.
- 7.41 As noted by the Landscape Officer the proposed development incorporates the retention of a number of trees (which can be secured through planning condition) to the eastern boundary which will help to obscure and contain the development without resulting in significant landscape impact in wider views of the site from the east. Having regard to that consideration the proposed development is considered to be well contained within existing landscape features which are to be retained and will not result in a significant or demonstrable impact on landscape character or the village setting.
- 7.42 With regard to the layout, Officers consider that the amount of development proposed, spacing to the boundaries and overall level of garden and other amenity space proposed is acceptable. There is a mixed grain and density of development in the village. The proposed development is generally spacious with good garden amenity spaces and amenity space between the development site and the mature landscape features to the east of the site. The development will, in this respect, integrate well with the character and grain of development of the existing village.
- 7.43 The plans offer an opportunity to create cycle/pedestrian access between the southern part of the site and the northern part of the site to encourage journeys to be made other than by private cars and to increase permeability and accessibility to the public rights of way and the countryside. Whilst the comments from Herts Constabulary are



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noted, Officers are of the view that the benefits of connections of this nature outweigh any potential harm in what is a low crime area. As layout is being considered at this time, the applicant has been asked, and confirms that a revised plan will be provided to show the implementation of such a link.

- 7.44 As noted by the Conservation advisor, there are listed buildings in proximity to the site – however, the siting of those heritage assets in relation to the development proposal is such that there will be no significant or demonstrable harm to them. A small part of the site is located within the Hunsdon Conservation Area, however, given the setting back of the proposed development from Drury Lane, it is not considered that the proposal would not result in any detriment to the character and appearance of the Conservation Area. Consideration has been given in this respect to the comments from the Conservation Team and the Hunsdon Conservation Area Appraisal and Management Plan (adopted December 2013).
- 7.45 The WWII pillbox Scheduled Ancient Monument, understood to be connected with the Hunsdon airfield, is located in the northern part of the site. The Hunsdon Conservation Area Appraisal identifies the opening up views of this heritage asset as an improvement opportunity. The applicant has confirmed a willingness to do so. The details of this arrangement, including the potential for access to the pill box, treatment surrounding it, which falls into an amenity space, and potential for an interpretation board can be secured through any amenity space maintenance arrangements secured through a Section 106.
- 7.46 Further consideration is being given to the relationship between the proposed development at the existing buildings at Hunsdon Lodge Farm. Members will be updated on this matter at the meeting.

#### Agricultural land

- 7.47 The NPPF sets out that Local Authorities should take into account of 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.
- 7.48 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

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harmfully impact on agricultural efficiency or farm viability beyond the site.

#### Highways and parking

- 7.49 Officers have carefully considered the concerns raised by the Parish Council and third parties which raise concern in respect of the proposed accesses onto Wicklands Road and Drury Lane.
- 7.50 With regard to the impact on Drury Lane, Offices acknowledge the width and condition of this road and the impact of on-street parking. The Highways Authority have undertaken a TRICS assessment and comment that the development will result in an increase of two traffic movements along Drury Lane during peak times. Such vehicular traffic movements are not, in Officers opinion, significant and it is considered that there is appropriate capacity along Drury Lane to accommodate the development.
- 7.51 Concerns are raised by the Parish Council with regard to the visibility and sight lines from the new access onto Drury Lane. However, as acknowledged by the Highways Officer, traffic speeds will be very low at this point and it is considered that there is appropriate space to provide visibility for the quantum of additional development that is proposed off the Lane.
- 7.52 With regard to the impact on Wicklands Road, the road conditions are also constrained in terms of the width and as a result of on-street parking. Third parties have submitted photographs demonstrating the levels of on-street parking and the constraint this presents to a new access serving 11 new dwellings. Whilst Officers are very mindful of the concerns raised, the TRICS assessment carried out by the Highways Authority indicates that at peak hours there will be an additional 6 traffic movements on Wicklands Road. Officers concur with the conclusion of the Highway Officer that there is capacity within Wicklands Road to accommodate the development proposal for 11 dwellings.
- 7.53 Concerns are also raised by the Parish Council and third parties with regard to the appropriateness of the new road junction off Wicklands Road in terms of visibility and other matters. The Highways Authority raise no such concerns and consider that an appropriate level of visibility and access is provided.
- 7.54 Concerns are raised with regard to the impact on pedestrians and other users of the public right of way which connect and branch off at the end

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of Drury Lane into the countryside to the east of the site. Officers are of the opinion that, subject to the planning conditions recommended by the Highways Officer, that there will be no significant harm or prejudice to users of the right of way. Further, there is an opportunity to improve the surface treatment at the end of Drury Lane and the public right of way.

- 7.55 The Highways Officer and the Ramblers Association note that footpath 010 runs through the garden of Hunsdon Lodge Farm. The proposed development does not propose any built form on the line of this public right of way and, in any event, it is understood that it has been diverted and follows a route outside of the application site.
- 7.56 With regard to parking matters, the applicant indicates that 41 spaces are proposed as part of the development. It is not currently possible to determine precisely how these spaces are to be distributed across the site and to which residential plot. To enable consideration of the matter, the Councils maximum parking provision for the development of 14 three bed houses would require 32 spaces. The emerging standards would require 35 spaces. Assessment of the layout plans submitted with the application would indicate that there is adequate space provided within the site to enable the provision of an acceptable level of parking.
- 7.57 The Highways Officer comments that there are three bus stops within reasonable walking distance of the site. However, works are required to be undertaken to the existing bus stops and the bus stop on Drury Lane /High Street is required to be relocated to enable the provision of raised kerbing to the bus stop. Officers consider that, given the siting and nature of the development proposal that it is necessary and reasonable for such works to be agreed as part of the Section 106 agreement.
- 7.58 In accordance with the above considerations, the proposed development is considered to be acceptable in terms of highway safety, access and parking.

#### Neighbour amenity impact

- 7.59 The proposed dwellings as shown on the submitted layout drawings are generally considered to be located and positioned at appropriate distances and relationships with existing dwellings within Wicklands Road and Drury Lane such that there will be no significant harm to neighbour amenity in terms of overbearing impact, loss of light, overshadowing or loss of outlook. However, plot 1 is located to the rear of the existing property at 32 Wicklands Road, which has a limited rear

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garden area. The Feasibility Site Layout drawing submitted by the applicant which shows the separation distance between these two properties to be either 21.5m (minimum). This is the most limited separation with a direct back to back relationship. No 22 Drury Lane backs onto plot 12, with about 7m separation to the boundary. However, the impact of this is reduced by the significant size of plot 12.

- 7.60 Representations have been received from residents in Wicklands Road in respect of the impact on neighbour amenity in terms of vehicular traffic associated with the development. The applicant has submitted a plan which indicates that all construction traffic will utilise the farm access tracks which run from the south of Hunsdon and branch around the south east and east of the village and will enter the site through an existing gap in the landscape features to the eastern boundary. Such an arrangement (which can be secured through condition) will help to reduce the impact on neighbour amenity in terms of traffic movements through residential streets.
- 7.61 With regard to the impact of the development once implemented, in terms of noise and disturbance associated with the proposed accesses, Officers do not consider that traffic movements associated with three dwellings will result in significant or material impact on existing dwellings in Drury Lane, including No.28 Drury Lane (who has a garden amenity space which runs along the boundary of the proposed access road to plots 12, 13 and 14).
- 7.62 Officers acknowledge that there will be a greater level of impact on existing properties in Wicklands Road associated with the new access. Vehicular movements associated with the proposed 11 dwellings on the southern part of the site will travel through Wicklands Road and adjacent to the garden boundaries of numbers 28 and 32. Whilst this impact is acknowledged, it is not considered that the amenity impact of this will be significant. The noise assessment suggested by the Environmental Health Officer is not considered to be necessary. An appropriate boundary fence adjacent to the rear/side garden boundaries of numbers 28 and 32 Wicklands Road, together with soft landscaping along the access road to the site (which can be secured through a planning condition) will assist in reducing the degree of impact on neighbour amenity in terms of noise and disturbance further.

#### Financial contributions

- 7.63 With regard to financial contributions, as the application is for the provision of an additional 14 residential units, the need for financial contributions is required under the Council's Planning Obligations SPD

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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 affordable housing, open space and recreation facilities, education, health care, sustainable transport modes and other infrastructure improvements.

- 7.64 HCC have confirmed that they will require contributions towards primary education, youth and library services in accordance with the Hertfordshire County Council Planning Obligation 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. As indicated, further clarification is being sought in relation to the need for funding for Secondary education, Childcare and Nursery education services.
- 7.65 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.
- 7.66 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.
- 7.67 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. Parks and gardens and amenity space contributions are not sought as additional amenity space is to be provided as part of the development. The Councils standard recycling facilities contribution can be sought.
- 7.68 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, children and young people 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.

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- 7.69 Members will note that all sums are to be based on the final mix of units to be provided on the site. This is because, whilst layout forms part of the submission and proposed household sizes has been put forward, these will be finally determined through reserved matters details.
- 7.70 With regard to healthcare, the Clinical Commissioning Group initially sought contributions toward the Much Hadham health facility. It has subsequently confirmed that such funding cannot be justified and has withdrawn that request. NHS England has not responded to consultation in relation to the proposals and clarity is being sought as to whether funding will be sought for its service areas.

#### Ecology

- 7.71 The site is not located within, or adjacent to, any Wildlife Site and currently comprises of a meadow or agricultural land.
- 7.72 An Ecological Appraisal report has been submitted with the application which identifies that the development will impact on a European Protected species – Great Crested Newts. The Council are therefore required to undertake a derogation test as required in the Habitats directive.
- 7.73 These tests are as follows: first, the proposal must be for imperative reasons of overriding public interest or for public health and safety. The proposal being considered will address the housing need in the District which is a core planning principle and objective in the NPPF.
- 7.74 Secondly, there must be no satisfactory alternative. There are considered to be limited opportunities to develop sites within the village which will result in significant positive impact in addressing five year housing land supply issues. The development, for the reasons set out above is considered to meet the sustainability objectives in the NPPF and this test is considered to be met.
- 7.75 Third, the favourable conservation status of the species must be maintained. Herts Ecology are satisfied that this test would be met and it is therefore reasonable that a planning condition be attached requiring that the mitigation measures as set out in the ecological report be implemented.
- 7.76 Accordingly, the proposals have been considered in relation to the three derogation tests as is required in the Conservation of Habitat and Species Regulations 2010.

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- 7.77 The ecology report and Herts Ecology consider that there is some potential for impact on trees associated with works to the trees within the site. Limited numbers of trees are proposed to be removed and Herts Ecology recommend a planning condition requiring that the trees be checked for the presence of bats before any works are undertaken.
- 7.78 Herts Ecology also recommend a condition requiring a landscape and ecological management plan. Landscape is a reserved matter and the matter raised by Herts Ecology would therefore be more appropriately dealt within any subsequent application for reserved matters.

#### **Other matters**

- 7.79 The comments from the Historic Environment Unit are noted – having regard to the advice received Officers consider that any impact on heritage assets of archaeological significance can be adequately dealt with through a planning condition.
- 7.80 The comments from the Environmental Health Officer in regards to contamination are noted – in the interests of human health and the environment it is considered that any impact associated with contamination can be adequately dealt with through a planning condition.

### **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 significant weight should be given to the benefit of the delivery of new homes. In these circumstances, proposals should be approved unless the impact of doing so would significantly and demonstrably outweigh the benefits of development.
- 8.3 To make that judgement a number of factors have been considered. With regard to the sustainability of the development proposals, the village is limited in terms of employment and the retail offer for anything other than basic items is also limited. There is therefore likely to be reliance on private vehicles to access these services and this must attract a degree of weight against the proposals.
- 8.4 Favourable weight should be attached to the way in which the development will support the economy and provide affordable housing

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in a village it also delivers improvements to the existing drainage infrastructure which serves the village. Lastly, it enables the provision of new, albeit limited amenity spaces within which the setting of the pill box Scheduled Ancient Monument can be enhanced.

- 8.5 In addition to the limitations of the sustainability of the location, the potential for the ability of the SuDS features to be undermined by a lack of maintenance in the future, must weigh against the proposals. All other issues are considered to be matters which can be weighed neutrally in the balance.
- 8.6 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. The conclusion is that this harmful balance is not the outcome and planning permission can be supported in this case.