

## DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 6 Dec 2017

<b>Application Number</b>	3/17/1811/OUT
<b>Proposal</b>	Outline application with all matters reserved, except for access, comprising: i. Up to 400 dwellings (C3). ii. 2.0 hectares of land for Use Class B1 employment (up to 9,000 sq metres). iii. Formal and informal open spaces including children's playspaces. iv. Structural landscaping and internal roads. v. Formation of a new junction on the A10. vi. Surface and foul water drainage infrastructure.
<b>Location</b>	Land Off Luynes Rise, Buntingford
<b>Applicant</b>	Bovis Homes Ltd and Wattsdown Dev Ltd c/o agent
<b>Parish</b>	Buntingford
<b>Ward</b>	Buntingford

<b>Date of Registration of Application</b>	1 August 2017
<b>Target Determination Date</b>	8 December 2017
<b>Reason for Committee Report</b>	Major planning application
<b>Case Officer</b>	David Snell

### RECOMMENDATION

That planning permission be **REFUSED**, for the reasons set out at the end of this report.

#### 1.0 Summary

- 1.1 The proposal represents an inappropriate form of development in the Rural Area beyond the Green Belt. However, the Council cannot currently demonstrate a five year housing supply and, in such circumstances, national planning policy requires that planning permission be granted for sustainable development unless there are significant adverse impacts that would outweigh the benefits of the proposal or where specific policies of the NPPF indicate that development should be restricted.
- 1.2 This report considers the positive weight that can be attached to the provision of housing, including affordable housing against the negative aspects that would result from the development.
- 1.3 The site does not perform well in sustainability terms. The addition of the 400 dwellings proposed in a town where there is limited employment opportunity and residents are heavily reliant on the

private car to access employment, main food shopping and comparison shopping elsewhere would adversely impact on the sustainability of the town contrary to the National Planning Policy Framework.

- 1.4 The application proposes the provision of 2ha of employment land (up to 9,000 square metres).
- 1.5 The proposal would encroach into the rural area beyond the settlement boundary to the detriment of the character, appearance, and distinctiveness of the area.
- 1.6 The application satisfactorily addresses highway impact through mitigation measures and a satisfactory level of parking provision is proposed.
- 1.7 The site adjoins the A10 and is regarded as a noisy environment. However, it has been demonstrated that mitigation measures could be employed to provide satisfactory internal and external noise levels.
- 1.8 The provision of employment land is a positive aspect of the development.

## **2.0 Site Description**

- 2.1 The application site comprises 20.8 hectares of agricultural arable land on the west side of Buntingford to the west of Luynes Rise and existing residential development. The site is bounded to the north and east by the built up area of Buntingford, to the south by Buntingford Waste Water Treatment Works (WWTW), and to the west by the A10. The site lies outside the settlement boundary of Buntingford within the Rural Area Beyond the Green Belt, in both the current Local Plan and the emerging District Plan.
- 2.2 There are two public footpaths running across the site, one from Luynes Rise towards the A10 and beyond and one from Monks Walk towards the A10 and beyond.
- 2.3 The site slopes gently down from the northwest to southeast, towards the valley of the River Rib.

### **3.0 Background to Proposal**

- 3.1 The application is submitted in outline with all matters of detail, apart from access, being reserved for later consideration.
- 3.2 A total of 400 dwellings are proposed, of which 40% are to be affordable homes. The density of the proposed residential development would be 36dph.
- 3.3 The application proposes the development of 2.0ha of land to the north of the existing WWTW for employment in the form of Class B1 uses (up to 9,000 sq metres).
- 3.4 Vehicular access to the development is initially proposed from Luynes Rise with a new access to the A10 to follow after the commencement of the development. A spine road would run through the development linking Luynes Rise with the new roundabout junction on A10.
- 3.5 The application follows a previous application 3/14/2304/OP Outline: Up to 400 dwellings (C3), first school site, formal and informal open spaces, playspace, landscaping and internal roads, new junction on the A10 and drainage infrastructure. Full: Phase 1 dwellings including affordable housing access roads, car parking, children's playspace, open space and drainage infrastructure. An appeal has been submitted against the non-determination of this application. Members considered the former proposals at the September 2017 meeting of the committee.

### **4.0 Key Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts Local Plan 2007, the emerging District Plan and the made (adopted) Buntingford Community Neighbourhood Plan (NP):

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan policy</b>	<b>District Plan policy</b>	<b>NP Policy</b>
The principle of the development including sustainability and housing land supply, provision of employment land	Section 1 Section 6 Para 6 – 16	SD1 SD2 GBC2 GBC3 BUN1 BUN4	INT1 GBR2 DPS1 DPS2 DPS3 DPS6 BUNT1 BUNT3 ED1	HD1 BE2
Landscape character	Section 11	GBC14	DES1	ES1 HD2
Layout and design	Sections 6 7, 8	ENV1 ENV2	HOU2 DES2 DES3 DES4 CFLR9	HD4
Housing and affordable housing	Para 14, Section 6	HSG1 HSG7 HSG3 HSG4	HOU1 HOU2 HOU3 HOU7 HOU8	HD1 HD7
Education	Section 8		CFLR10	INFRA3
Highways and parking	Section 4	TR2 TR7	TRA1 TRA2 TRA3	T1 T2 T4
Noise impact		ENV25	EQ2	
Flood risk, water and climate change	Section 10	ENV21	WAT3 WAT5 WAT6 CC1 CC2	INFRA4 INFRA5 HD3
Natural environment	Section 11	ENV17	NE2 NE3 NE4	ES7
Planning obligations and infrastructure delivery	Paras 203 to 206	IMP1	DPS4 DEL1 DEL2 CFLR1 CFLR3 CFLR7 CFLR9	T6

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

## **5.0 Emerging District Plan**

5.1 The District Plan has been submitted to the Secretary of State for examination. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, in advance of the subsequent steps to be taken toward the adoption of the Plan.

## **6.0 Summary of Consultee Responses**

6.1 HCC Highway Authority does not wish to restrict the grant of permission, subject to conditions. The Authority comment that refusal was originally recommended, but since then additional details and assessments have been provided. The objections have now been overcome. Subject to recommended conditions and a S.106 contribution in respect of highway improvements as detailed in the 'Planning Obligations' section of the report below

6.2 Lead Flood Risk Authority (LLFA) comment that the Flood Risk Assessment demonstrates a feasible surface water drainage strategy. Detailed surface water run-off calculations have been provided which ensures that the site has the capacity to accommodate all rainfall events up to 1:100 year (+40% Climate Change). The Authority advise that permission could be granted, subject to conditions requiring the submission and approval of a detailed surface water drainage scheme based on the FRA and phasing details.

6.3 EHDC Engineer advises that the indicative drainage strategy shows a large balancing pond and linking swale allowing flows to bypass the existing culverted water course. The detailed SuDS are of medium to high quality and include green infrastructure SuDS. Green roofs are encouraged for the proposed industrial units. Details will be required.

6.4 Environment Agency has no comments.

- 6.5 HCC Historic Environment Unit comments that the assessment of archaeological potential of this development site should be considered in the wider context of the results of recent archaeological evaluations in the area. The advisor therefore considers that the application site has significant archaeological potential and may contain heritage assets of archaeological interest. The applicant has submitted a satisfactory Written Scheme of Investigation and an initial archaeological evaluation and no objection is raised, subject to a condition.
- 6.6 EHDC Landscape advisor considers that the scale of the proposed development will have significant impact on the landscape character and local distinctiveness of the area. The identity of the locality is that of existing housing development set well back from A10 ring road and looking out onto a landscape that is rural in character. The proposal to expand the town up to the A10 will result in the permanent loss of this identity. The housing development in the higher parts of the site will be prominent in the landscape and the overall sensitivity of the site to the proposals is high. The degree of landscape change and landscape effects will be high with significant adverse visual effects for the properties along the eastern edge of the site, where open, rural views would be lost to the development. There will also be high adverse visual impact on the users of the two public footpaths crossing the site.
- 6.7 Herts Ecology recommends conditions requiring a landscape and ecological mitigation plan, a lighting design strategy, and a reptile and badger mitigation strategy.
- 6.8 Natural England has no comments.
- 6.9 HCC Development Services seek financial obligations towards education, library and youth services to minimise the impact of the development on HCC services for the local community.
- 6.10 HCC Minerals and Waste refer to the HCC Waste Core Strategy and Development Management Policies Development Plan Document 2012 and request that due account be taken in determination of the application to ensure that waste management objectives are met.
- 6.11 EHDC Environmental Health Advisor recommends refusal of the application on the basis that the traffic report assessing the impact of noise from A10 has not been updated. Similarly, the sewage treatment works odour assessment has not been updated. However, should permission be granted conditions are recommended.

- 6.12 NHS England comment that the proposed development is likely to result in around 960 new registrations for general medical services, and that the existing surgeries in Buntingford do not have sufficient capacity to absorb this additional requirement. Section 106 contributions are therefore requested to support Buntingford Health Centre to extend its clinical capacity in line with plans previously sent to the Council. They request a contribution of £620.88 per dwelling,
- 6.13 The East and North Herts Clinical Commissioning Group (CCG) comment that they do not know the exact increase in population that this development would create but estimate that the increase could be around 960 residents. This is significant, and when combined with other developments around Buntingford, will have an effect on healthcare. They raise concerns that the development will impact on already overstretched community services and comment that the CCG is in its final stages of developing its five year primary care strategy which will guide the changes needed to deliver higher quality and more accessible care for local people. The CCG would like to work with the Council and NHS England to map out additional health infrastructure and request financial contributions. However, further to this initial response they advised that they are unable to provide details of the proposed investment at this time to justify the contributions requested.
- 6.14 UK Power Networks comments as to installations affecting the site.
- 6.15 Thames Water advise that the developer has indicated their intention to connect direct to the treatment works via a sewer requisition. However, no agreement is in place and discussions are ongoing. A condition is therefore recommended requiring that no development shall take place until a strategy detailing requirements, phasing and delivery mechanism has been submitted and approved.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

## **7.0 Town Council Representations**

- 7.1 Buntingford Town Council object to the proposal on grounds summarised as:
- The proposal is contrary to specific policies contained within the Neighbourhood Plan, the Local Plan and the emerging District Plan.

- The Parliamentary Statement of 12<sup>th</sup> December 2016 means that the relevant policies for the supply of housing in the Neighbourhood Plan should not be deemed out of date under paragraph 49 of the NPPF.
- The emerging District Plan allocates sites providing 1354 dwellings within the town boundary. The site is not under consideration and lies outside the town boundary.
- The high level of development being directed towards Buntingford is far in excess of what could be considered sustainable.
- There is inadequate infrastructure and Thames Water have commented on impacts if the Sewage Treatment Works were to be extended to take account of the development, as the plant cannot cope at present.
- Detrimental impact on the landscape of Buntingford.
- Social disadvantages of stretching the resources and infrastructure of the town.
- Lack of school capacity.
- Poor public transport serving the town.
- Further large scale development will add to serious traffic congestion issues.
- Access is reliant on the creation of a new access to the A10. This is a primary route and special circumstances would need to be demonstrated to justify the Highway Authority considering the modification.
- The development would result in the loss of 20ha of high quality agricultural land.
- The adverse impacts of A10 traffic noise on future residents of the development.
- Lack of a firm commitment that the proposed employment land will be developed.
- Should the proposal be permitted against the above reasoning serious consideration should be given to obligations that would benefit the town. The new access from the A10 should also be provided before the development takes place to avoid inconvenience to residents of Luynes Rise.

## **8.0 Summary of Other Representations**

8.1 213 letters of objection, including a response from the Campaign for the Protection of Rural England have been received summarised as:-

- Scale of development. Over-development of historic market town which is turning into a New Town.



- Spoil setting of the town.
- Unsustainable development due to restricted infrastructure in town.
- All local schools are at capacity and children are being placed in schools out of town.
- No capacity in doctors surgeries.
- Increased traffic in and around town which the roads cannot sustain.
- Particular danger in Luynes Road that supports children's activities;
- Poor transport links – residents are reliant on private cars, public transport is inadequate and not fit for purpose.
- Increased congestion at Aspenden Road/London Road/Luynes Road junctions.
- New roundabout to the A10 would be dangerous.
- New roundabout to the A10 should be a priority.
- Luynes Rise should not become a rat run to the A10 so measures are needed to prevent this.
- Adverse impact on existing homes.
- Adverse impact on landscape character.
- Loss of countryside outlook.
- Impact on local wildlife.
- Loss of productive farmland.
- Sewage and water systems cannot cope with all the proposed new developments.
- Location of employment site will impact on existing houses.
- Noise, pollution and health impacts.

8.2 RT Hon Sir Oliver Heald MP fully supports the objections of Buntingford Town Council.

8.3 Two letters of support for the proposal have been received commenting that it is positive to see the development of land for business.

## 9.0 Planning History

Ref	Proposal	Decision	Date
3/14/2304/OP	Outline: Up to 400 dwellings (C3), first school site, formal and informal open spaces, playspace, landscaping and internal roads, new junction on the A10 and drainage infrastructure. Full: Phase 1 dwellings including affordable housing access roads, car parking, children's playspace, open space and drainage infrastructure.	Appeal lodged Reported to DM Committee Sept 2017	Inquiry arranged for April 2018

## 10.0 Consideration of Relevant Issues

### The principle of the development and housing land supply

- 10.1 The site lies outside the settlement boundary of Buntingford and within the Rural Area beyond the Green Belt wherein policy GBC3 of the current Local Plan states that permission will not normally be granted for residential development. Therefore in respect of the 2007 Local Plan, the proposals represent inappropriate development in principle. The current Local Plan is time expired and is not compliant with the NPPF with regard to policies relating to the supply of housing. This is scrutinized more fully below. When he considered the proposals in relation to Areas 2 and 3 south of Hare Street Road (100 and 80 units accordingly), the Secretary of State agreed with the Inspector that policies GBC2 and GBC3 are out of date with respect to the supply of housing.
- 10.2 Members will now be familiar with the issues surrounding developments in the Rural Area in the context of current planning policies. In all the recent appeal decisions proposing residential development in Buntingford significant weight was given to the shortfall in housing supply.
- 10.3 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development. 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 unless any adverse impacts of doing so “would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework that indicate development should be restricted.”

10.4 The Council acknowledges that it currently has less than the required 5 year housing land requirement set out in the NPPF. However, case law (Crane v Secretary of State DCLG (2015) EWHC 425 (Admin)) has indicated that where policies for the supply of housing are out of date, restrictive policies in respect of housing cannot be judged to carry less weight or be disregarded. The weight to be given to conflict with the development plan remains a matter of planning judgement.

10.5 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).”

10.6 The Buntingford Neighbourhood Plan has been adopted and can be given weight. A ministerial statement has confirmed that adopted neighbourhood plans are a material consideration notwithstanding a lack of 5 year housing supply.

10.7 At this point then the Council is unable to demonstrate a sufficient supply of land for housing. Whilst the Councils current housing land supply policies are out of date, the Buntingford Community Area Neighbourhood Plan (CANP) is a recent up to date policy document. Whilst housing delivery can be given significant positive weight, some harm in this respect would be caused if the development proceeded as proposed, as the Buntingford CANP indicates that this area should be protected from development.

## Sustainability

- 10.8 The Council commissioned the 2014 Buntingford Employment Study as an independent assessment of the town with regard to the quantity and quality of employment provision and the implications for the sustainability of planning proposals. The 2014 study has been used to inform the emerging District Plan. However, since 2014 a significant number of new residential developments have been approved and a further report was commissioned in 2016 as an update. The consultants Wessex Economics (WE) were asked to consider the Employment implications of planning proposals in Buntingford.
- 10.9 In that report, it is estimated that there are about 2,000 jobs in the town. However, most of the population, 72%, worked outside the town in 2011. Furthermore, most of those working in the town, around 65%, were from outside the town. In 2011 only 790 people out of a resident working population of 2,680 lived and worked in the town. Only 29% of working residents worked in the town. As a result, it was concluded that Buntingford has a low self-containment ratio and that this is likely to have fallen since 2011.
- 10.10 The table below sets out planning approvals for residential development in Buntingford since 2009:

Reference	Location	Units	Status
3/08/0840/OP 3/11/1033/RP	Land off Tylers Close, West of Greenways	50	Outline approved Sept 2010 Reserved Matters approved Sept 2011 Completed and occupied
3/09/1061/FP	Land adjacent to London Road	149	Approved November 2009 Completed and occupied
3/10/2040/OP 3/13/0737/RP	Land off Longmead	26	Outline approved Oct 2011 Reserved Matters approved Jul 2011 Under construction, part occupied

3/13/1000/FP	Land north of Hare Street Road	160	Allowed on appeal Jan 2014 Under construction, part occupied
3/13/0118/OP	Land south of Hare Street Road (Area 1)	100	Allowed on appeal Jan 2014 Under construction
3/13/1399/OP	Land off Aspenden Road	56	Allowed on appeal Nov 2015
3/13/1379/OP	Land north of Park Farm Industrial Estate	180	Approved Oct 2015
3/14/0528/OP	Land south of Hare Street (Area 2)	100	Allowed on appeal March 2016
3/14/0531/OP	Land south of Hare Street (Area 3)	80	Allowed on appeal March 2016
3/15/0300/OUT	Former Sainsbury's Depot	316	Approved Mar 2016
3/14/1717/FP		Phase 1 82	Approved Sept 2015
3/13/0823/OP 3/16/1392/REM	Land north of Hare Street Road	13	Approved March 2017
3/16/1391/FUL	Land north of Park Farm Industrial Estate	43	Allowed on appeal August 2017
Potential total		1,273	

- 10.11 The above total of 1,273 dwellings granted permission would, when built, represent a 58% increase over the 2,200 dwellings in the town in 2011 and an estimated population increase of 3,000 people (based on the Buntingford average household of 2.44 in 2011), from around 4,950 people in 2011 to 7,950.
- 10.12 This application for 400 dwellings would increase the population by around a further 976 people.

- 10.13 Currently approved housing developments would increase the working population of the town by an estimated 1,530 persons (using the proportions on which the WE report is based). This application would increase the working population by a further 482 people to 2,012 persons.
- 10.14 Some 800 jobs were lost in Buntingford between 2004 and 2012. There is currently 6.55ha of employment land in the town either allocated or with planning permission, with a further 3ha likely to be allocated at Buntingford Business Park in the emerging District Plan, This gives 9.55ha in total. However, approximately 1ha has been lost by the approval on appeal of a residential development on land north of Park Farm Industrial Estate (3/16/1391/FUL) and employment land at London Road will be lost if the proposals for a new school here come to fruition.
- 10.15 Full capacity on the existing employment sites within the town would create some 1,110 jobs. However, there is no guarantee of ensuring the scale of development and these figures are merely measures of capacity, not the likelihood of delivery. The appeal of sites and state of the development industry will have a major bearing on actual delivery of employment floorspace and jobs. Wessex Economics (WE) advised that the market for new build industrial floorspace is limited, and that there is unlikely to be an appetite for speculative development.
- 10.16 It is also necessary to consider to what extent an increase in the population of the town will stimulate job creation in the service sector. In 2011 there were around 1,400 jobs in the town and WE estimate that around 800 of these (57%) were likely to be directly linked to serving the needs of the population of the town and its immediate hinterland. They consider that assuming that the relationship between population and jobs observed in 2011 continues to apply, a significant number of additional jobs will be created in the service sector. WE estimate a reasonable expectation of around 460 additional jobs might be created once all the approved developments since 2011 are completed. It would be anticipated that this site, if developed, would generate some further service employment.
- 10.17 There is no evidence that prevailing patterns of commuting from the town have changed or that they are likely to change in the immediate future. Therefore by implication the substantial level of outward commuting from the town, mainly by car, can be expected to increase substantially as a result of population growth in the town, in the absence of a definitive uplift in local job availability. Although forming

part of these proposals, there can be no certainty with regard to the number of jobs which may actually be created.

- 10.18 Even if the full capacity of jobs on existing employment sites within the town were to be achieved this would not match the increased demand for employment from the increase in population resulting from approved schemes for residential development. Buntingford already has a low self-containment ratio and it is considered that further residential development beyond that already approved without certainty of accompanying growth in employment provision would lead to an increase in out-commuting from the town by car. It is considered that this would not be an environmentally sustainable outcome.
- 10.19 The inclusion of 2.0ha of employment land as part of the proposals must be attributed positive weight, having regard to the availability of employment land in the town. However, whilst the delivery of employment land is beneficial, climate delivery expectations and timescales are unknown.

#### Landscape character

- 10.20 It is considered that the scale of the proposed development will have significant impact on the landscape character and local distinctiveness of the area. As the landscape Advisor notes, the identity of the locality is that of existing housing development that is set well back from A10 ring road and looking out onto a landscape that is rural in character. The proposal to expand the town up to the A10 will result in the permanent loss of this identity.
- 10.21 The housing development in the higher parts of the site will be prominent in the landscape and the overall sensitivity of the site to the proposals is high. The degree of landscape change will be high and significant. Therefore impact on the Rib Valley will also be significant having regard to Policy ES1 of the Neighbourhood Plan.

#### Design and layout

- 10.22 The application is submitted in outline and the layout and design of the development is reserved for later consideration. However, an indicative layout has been submitted showing residential development on the western part of the site with employment development in the northeast corner of the site to the north of the existing WWTW. The area adjacent the WWTW, to its immediate north and west, would be allocated to open space. A spine road

through the development would link Luynes Rise with a new roundabout junction to the A10 sited to the southwest of the WWTW.

- 10.23 As the submission is made in outline form, the proposals have not been scrutinised in detail in this respect. It is anticipated that, if the principal of development were acceptable and/ or the Council was minded to support the proposals in other respects, then it is possible to achieve a form of development that is acceptable in urban design terms and delivers the required number of units on the site. No conclusion is reached on that matter at this stage then and any endorsement of the matter in principle gives no indication that the submitted indicative proposals are acceptable. However, it can be made clear that the provision of open space land located immediately north of the WWTW is not considered to be acceptable if it is proposed that the land is to fulfil an amenity and/or public open space purpose.

#### Housing type and mix and affordable housing

- 10.24 The application proposes housing and affordable housing provision in accordance with Local Plan and emerging District Plan policy. The submitted Planning Statement indicates that a mix of unit sizes will be provided in accordance with the Councils Strategic Housing Market Assessment and that up to 40% of units will be provided as affordable housing.
- 10.25 As above, the delivery of housing is given positive weight, along with the delivery of affordable housing in line with the Councils policy requirements.

#### Education

- 10.26 HCC as the body responsible for ensuring adequate education provision provided a Position Statement in relation to education in the town. This followed the consultation response in relation to the previous proposals for this site and comments made at the draft stage of the preparation of the District Plan. The position statement set out the demand for places and included a forecast (produced in mid 2014) with regard to places required in the future.
- 10.27 The forecast at first school level has let the County Council to the conclusion that it need to pursue the provision of a new school. In June this year, it took the decision to seek to acquire land at London Road to enable the delivery of a school. The demand generated by these proposals may be accommodated at either the existing first



schools in the town, or at the new provision, once it is made available.

- 10.28 In relation to additional demand generated at middle and upper school level, the present the stated position of HCC is to continue to monitor development and demand. It seeks funding to enable appropriate capacity to be secured at existing sites, when it is required.

### Highways

- 10.29 A Transport Assessment (TA), a framework Travel Plan (TP) and Technical Papers have been submitted with the application.
- 10.30 The site is bounded to the west by the A10 and to the east by residential roads. The majority of residential roads are unclassified local access roads and are subject to a 30mph speed limit. There are no recorded accidents in the past 5 years on the residential roads east of the site or at the wider junction points onto the strategic highway network. There are a number of recorded accidents along the A10 to the west of the site and on the wider classified network within Buntingford.
- 10.31 The application proposes two points of access onto the wider network. Firstly via the small end stub section of Luynes Rise at a point where it turns 90 degrees and becomes Oak End. Secondly a proposed access onto the A10 towards the southern end of the site through the provision of a new roundabout.
- 10.32 The HCC Local Transport Plan states that new direct accesses on to primary and secondary routes will only be permitted where special circumstances can be demonstrated. The TA provides such justification and the Highway Authority raise no objection to the access proposals.
- 10.33 The application proposes the same sustainable transport works as the previous application (3/14/2304/OP). This is based on comparable residential trip rates and the commercial trip assessment based on an all-B1 office development. The Highway Authority advise that the raw data and assessment is robust.
- 10.34 The Highway Authority considers that the proposed development will noticeably impact upon the free flow of traffic at the A10/London Road roundabout, and therefore a contribution towards improving this is justified. The applicant has agreed to this. The Authority considers

that performance of other key junctions across the town will not be significantly adversely affected as a result of the development.

- 10.35 Paragraph 32 of the NPPF advises that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. In the light of paragraph 32, other than impact on the links on approach to the A10/London Road roundabout the Highway Authority consider that the resulting impacts arising from the proposed development cannot be regarded as severe. The eastern end of Luynes Rise itself will experience a morning peak hour increase of 59 vehicles (1 additional vehicle every minute, with currently 2 vehicles passing every minute). The evening peak hour increase will be around 24 vehicles (an additional vehicle every 2.5 minutes). This being dependent on the delivery of the new A10 junction, which will accommodate the bulk of the traffic.
- 10.36 The application is submitted in outline and therefore parking provision within the site is not assessed at this stage.
- 10.37 The requested planning obligations in respect of highway works are detailed in the 'Planning obligations' section below.

#### A10 Noise impact

- 10.38 As with the Aspenden Road (3/13/1399/OP) site the current application site is impacted upon by noise associated with the proximity and surfacing of the A10. A Noise Impact Assessment has been submitted as part of the application which details the noise contours across the site and the mitigation measures that could be employed to provide satisfactory internal and external noise levels.
- 10.39 Environmental Health raised concerns about the impacts of traffic noise on garden areas and amenity space. However, in the Aspenden Road appeal report the Inspector concluded that satisfactory internal noise levels could be achieved by the provision of mitigation measures including noise reducing fixed glazing and mechanical ventilation. He considered that reliance on mechanical ventilation was not indicative of a poor environment and noted the growing use of closed systems for reasons relating to thermal efficiency and heat control in new buildings. He felt that this was an indication that occupiers are prepared to utilise such systems as part of a residential environment.
- 10.40 The Inspector concluded that external noise levels within amenity areas should not exceed an upper limit of 55dbLA applicable to

noisier environments such as that of the Aspenden Road site. On that basis this application would also be considered to be a noisier environment.

- 10.41 The Noise Impact Assessment advises that the site layout and design that all gardens will be subject to a maximum 16 hour noise level of 55dbLa. As a consequence of screening provided by buildings along the west and south west sides of the proposed development closest to the A10 the great majority of gardens will be below 50 dbLA. Subject to mitigation of noise from the A10 by an appropriate noise barrier or set- back distance screening by intervening buildings, no other mitigation measures will be required for the majority of the plots. Those plots nearest the A10 that are not completely screened by buildings will require the additional provision of a 2m high close boarded timber fence of at least 10 kg/m<sup>2</sup> density.
- 10.42 Subject to the imposition of a condition to ensure that internal and external noise levels are achieved, as imposed by the Inspector in the Aspenden Road decision, it is considered that the proposal would provide satisfactory living conditions for future occupiers.

#### Flood Risk

- 10.43 The site is located within Flood Zone 1 and the Environment Agency raise no objection to the proposals. The LLFA are satisfied with the submitted Flood Risk Assessment and that a condition can be imposed to address surface water drainage requirements.

#### Impact on Infrastructure - planning obligations

- 10.44 Herts CC have requested financial contributions towards nursery, first, middle and upper education, library and youth services. In accordance with the Council's Planning Obligations SPD, contributions may also be sought towards open space, sport and recreation, community centres/village halls and healthcare facilities. Although detailed plans have not been submitted the proposals indicate that the development will include onsite provision of a Local Equipped Play Area (LEAP), a Neighbourhood Equipped Play Area (NEAP) and open space.
- 10.45 Although the application is recommended for refusal, the following S.106 obligations have been requested:

- A financial contribution towards frequency enhancements to existing bus services and bus infrastructure, sustainable transport measures and highway improvements to the A10/London Road roundabout junction and approaching routes based on the following table (index linked to SPONS to November 2014:

<b>Each unit</b>	<b>Amount (£)</b>
1 bed	868.00
2 bed	1,041.00
3 bed	1,562.00
4/4+ bed	2,082.00

- A financial contribution towards administrating and managing Travel Plans of £6,000.00 payable on occupation of the development.
- 40% affordable dwellings in accordance with the accommodation in a mix of 75% socially rented 25% shared ownership.
- A financial contribution towards improved kitchen facilities at Buntingford Youth Centre.
- A financial contribution of £248,352.00 (index linked) towards Healthcare in Buntingford.
- Library Services – Expansion of public space at Buntingford Library.
- Provision of equipped play areas (LEAP and NEAP) and financial contribution for maintenance.
- A financial contribution (£620.88 per dwelling) towards extension of clinical healthcare capacity in Buntingford.
- Fire hydrant provision.
- A financial contribution towards Nursery, First, Middle and Upper Education, Library Services and Youth Services in accordance with the approved residential type and mix and the Planning Obligations Guidance – Toolkit for Hertfordshire 2008 - (Three tier version of Table 2) (index linked to PUBSEC 175).
- A financial contribution of £120,000 towards the Buntingford Community Transport Scheme.

10.46 Financial contributions to be index linked.

10.47 Required Highway improvements, including a new roundabout on the A10 would be addressed via a S278 Highways Act Agreement with HCC as Highways Authority.

- 10.48 If this Members endorse the recommendation in this case and these proposals are refused, should an appeal subsequently be submitted, Officers would reconsider the requirements for infrastructure funding and provision through that process.

Other matters

- 10.49 Herts Ecology comment that the indicative layout retains all linear feature habitats (apart from one tree). They raise no objection to the application subject to the mitigation measures being secured by the imposition of a conditions
- 10.50 HCC Historic Environment Unit advise that the application site has significant archaeological potential and may contain heritage assets of archaeological interest. The applicant has submitted a satisfactory Written Scheme of Investigation and an initial archaeological evaluation and no objection is raised, subject to a condition.

**11.0 Conclusion – The balance of considerations**

- 11.1 It is acknowledged that the Council cannot currently demonstrate a five year housing land supply in advance of steps toward the adoption of the District Plan. The proposal would provide 400 units of additional housing. Significant positive weight must be attached to this consideration.
- 11.2 The development would provide 40% affordable housing provision as required by Policy HSG3 attracting positive weight.
- 11.3 The provision of employment land attracts positive weight.
- 11.4 It is considered that circumstances have changed the balance of sustainability considerations since previous residential development appeal decisions. Cumulatively, sufficient residential development has now been approved to support the town. Lack of employment opportunity in the town persists. Residents rely heavily on the private car to access employment elsewhere.
- 11.5 Notwithstanding the proposal to provide employment land as part of the application, there is no positive indication that this position will change in the immediate future. It is therefore considered that significant negative weighed should be assigned to the sustainability of the proposal in general terms, and particularly with regard to the consequences of lack of employment opportunity and the potential of the proposal to increase out-commuting by private car.

- 11.6 There is a need for a new first school in the town. Hertfordshire CC have committed to pursuing the development of a first school at London Road, which would meet that requirement.
- 11.7 The application satisfactorily addresses highway impact through mitigation measures and a satisfactory level of parking provision is proposed.
- 11.8 The site adjoins the A10 and is regarded as a noisy environment. However, it is considered that it has been demonstrated that mitigation measures could be employed to provide satisfactory internal and external noise levels as in the case of the Aspenden Road site.
- 11.9 The site lies in flood Zone 1. The LLFA and the Council's Engineer are satisfied that the proposal satisfactorily addresses flood risk.
- 11.10 Overall however, whilst it is acknowledged that the development would deliver a significant contribution to housing land supply, including affordable housing, it is considered that the adverse sustainability impacts and the adverse impacts on the character and distinctiveness of the area significantly outweigh its benefits. The proposal is considered therefore to be unsustainable.

### **RECOMMENDATION**

That planning permission be **REFUSED**, for the reasons set out below:

1. The proposal would encroach into the rural area beyond the settlement boundary to the detriment of the character, appearance, and distinctiveness of the area contrary to Policy ENV1 and GBC14 of the East Herts Local Plan Second Review April 2007, Policy DES1 of the emerging East Herts District Plan (November 2016), Policy ES1 of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.
2. The proposals represent an unsustainable form of development and residents would be heavily reliant on the private car to access employment, main food and comparison shopping elsewhere and the harm demonstrably and significantly outweighs the benefits. The proposal would be contrary to Policy INT1 of the emerging East Herts District Plan (November 2016) policy HD1 of the Buntingford Community Area NP and the National Planning Policy Framework.

3. The proposal fails to make adequate financial provision for infrastructure improvements to support the proposed development. The proposal would thereby be contrary to Policies IMP1 of the East Herts Local Plan Second Review April 2007, Policies DEL2, CFLR1, CFLR7 and CFLR9 of the emerging East Herts District Plan (November 2016), Policy T6 of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.

### **Summary of Reasons for Decision**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. East Herts Council has considered, in a positive and proactive manner, whether planning objections to this application could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in the decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Framework.

**KEY DATA****Residential Development**

Residential density	19.2dph	
	Bed spaces	Number of units
Number of existing units demolished		0
Total number of units		400
Number of new flat units Phase 1	1	
	2	
	3	
Number of new houses Phase 1	1	
	2	
	3	
	4+	
Total		400

**Affordable Housing**

<b>Number of units</b>	<b>Percentage</b>
	40%

**Non-Residential Development**

<b>Use Type</b>	<b>Floorspace (sqm)</b>
B1	Outline application (2ha)

**Residential Vehicle Parking Provision**

Not considered at this stage due to the outline nature of the proposals

**Legal Agreement – financial obligations**

This table sets out the financial obligations that could potentially be sought from the proposed development in accordance with the East Herts Planning Obligations SPD 2008; sets out what financial obligations have actually been recommended in this case, and explains the reasons for any deviation from the SPD standard. These are the standard figures.



In this case the application proposes substantive levels of peripheral open space, village greens and children's play space within the development (LEAP and NEAP). As the application is recommended for refusal discussions regarding maintenance arrangements have not been pursued. The Planning obligations section above details other significant financial obligations that would be sought. The proposals would also require substantive highway works that would be addressed through a S.278 Agreement were permission to be granted further negotiation would be required on its detail.

<b>Obligation</b>	<b>Amount sought by EH Planning obligations SPD in</b>	<b>Amount recommended in this case</b>	<b>Reason for difference (if any)</b>
Affordable Housing	40%	40%	
Parks and Public Gardens	In accordance with Table 8 of the SPD		
Outdoor Sports facilities	In accordance with Table 8 of the SPD	Either a) provision of informal outdoor sports area as shown in the illustrative master plan or b) a contribution in accordance with Table 8 of the SPD	
Amenity Green Space	In accordance with Table 8 of the SPD		
Provision for children and young people	In accordance with Table 8 of the SPD	Provision of Local Equipped Area of Play (LEAP) and Neighbourhood Equipped Area of Play (NEAP) and maintenance arrangements/contribution	
Maintenance contribution - Parks and public gardens			
Maintenance contribution - Outdoor Sports facilities			
Maintenance			

contribution - Amenity Green Space			
Maintenance contribution - Provision for children and young people			
Community Centres and Village Halls			